

JOURNAL
OF THE
House of Representatives
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1985

**HELD IN THE CITY OF MONTGOMERY,
COMMENCING TUESDAY, FEBRUARY 5, 1985**



Vol. 1
WITH AN INDEX PREPARED BY THE
CLERK OF THE HOUSE

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JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1985

FIRST DAY

House of Representatives
Montgomery, Alabama
Tuesday, February 5, 1985

JOURNAL

of the House of Representatives of the State of Alabama, of the Regular Session of 1985, begun and held at the Capitol in the City of Montgomery, State of Alabama, on the first Tuesday in February, 1985, being the fifth day of the month in the Year of our Lord, One Thousand Nine Hundred and Eighty-five, at 12 o'clock, M., on which day, the day fixed by law and the Constitution for the meeting of the Legislature of Alabama, was called to order by Honorable Tom Drake, Speaker of the House of Representatives.

PRAYER

The session was opened with prayer by Brother J. D. Brown, Vinemont Baptist Church, Vinemont, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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A quorum was present.

NOTICE IN WRITING

Rep. Biddle filed the following Notice in Writing:

Notice is hereby given that on the next legislative day, a motion will be made to amend the Rules of the House to add a new Rule 31b. to read as follows:

Rule 31b. Any bill providing for the annexation or de-annexation of property outside the corporate limits of a city which seeks to annex or de-annex shall be treated as a general bill.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. R. 1. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Clerk of the House notify the Senate that the House is now in session and is ready for transaction of public business.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 1, was adopted.

Also:

By Rep. Johnson (Roy):

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 2, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee Reps. Moore, Smith and Escott.

Also:

By Rep. Johnson (Roy):

H. J. R. 3. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 6:00 P.M. on February 5, 1985 for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House to be named by the Speaker of the House, and a committee of three from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the Joint session.

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On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 3, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee Reps. Faulk, Blake and Pratt.

Also:

By Rep. Johnson (Roy):

H. J. R. 4. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, the Senate concurring, That when we adjourn today, Tuesday, February 5, 1985, we adjourn to meet again on Thursday, February 7, 1985.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 4, was adopted.

OATH OF OFFICE

The Oath of Office was administered to Honorable Demetrius C. Newton, District 53, by Honorable Tom Drake, Speaker of the House.

MESSAGE FROM THE SENATE

Mr. Speaker:

I have been directed by the Senate to advise the House that the Senate is now in session and is ready for the transaction of public business.

MCDOWELL LEE,
Secretary.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Mitchell:

H. 1. Relating to the functions of the Alabama board of funeral service; to amend Sections 34-13-1, 34-13-50, 34-13-55, 34-13-57, 34-13-70, 34-13-72, 34-13-90, 34-13-130 and 34-13-132 of the Code of Alabama 1975, so as to clarify the educational requirements of applicants for examination and licensure; to extend the time in which a license may be reinstated; to provide for payment of actual cost of any examination; and to provide further for terms of service of an apprenticeship and the due date for the annual report of an apprentice.

Committee on Health.

By Rep. Pratt:

H. 2. To prohibit persons without a proper decal from parking a motor vehicle in certain handicapped parking places and providing criminal penalties for violating the provisions of this act.

Committee on Highway Safety.

By Rep. Bugg (With Notice and Proof):

H. 3. Relating to Etowah County; to provide further for the election of the members of the county board of education; and to provide a referendum

and to make effective upon the approval of certain qualified electors at the next county or statewide election.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 3, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Drake, Coburn and Turner:

H. 4. To propose a self-executing amendment to the Constitution of Alabama of 1901 which will create a permanent trust fund for the benefit of the State and the citizens thereof; to provide for the funding of such trust fund with certain moneys derived by the State from the leasing of its rights in certain offshore oil, gas and other hydrocarbon minerals; to create a board of trustees to manage such trust fund and prescribe the powers thereof; and to provide for the investment of moneys held in such trust fund.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Hooper:

H. 5. Proposing an amendment to the Constitution of 1901, as amended relating to creating an "offshore" trust fund to be invested by the state treasurer with the advice of a select committee; authorizing the select committee to certify certain portions of interest of the reserve fund; and for transfer to the general fund for the legislature to appropriate; and providing for such appropriations; and keeping the corpus forever inviolate.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Reps. Smith, Mitchell, Butler, Hall, Coleman, Grouby, Hettinger, White (F), Brakefield, Trammell, Beers, Britnell, Bachus, Tanner, White (L), Rice, Burke, Richardson, Flowers, Blake, Gray, McKee, Mikell, Starr, Mathis, Gaston, Blakeney, Holley, Moore, Laird, Johnson (RG), Venable, Adams, Parker, Lauderdale, Carter, Warren, Turnham, Faulk, Zoghby, Preuitt, Carothers, Albright, Crow, Turner, Penry, McMillan, Seibels, White (G), Poole, Johnson (Roy), Payne, Hammett, Hooper, Pratt, Clark (D), Rains, Fuller, Starkey and Cosby:

H. 6. To raise the legal age for a person to attempt to purchase, to purchase, consume, possess or to transport alcoholic beverages, to provide criminal penalties, and to provide that juvenile offenders shall be incarcerated, if so sentenced, in juvenile detention facilities, and to exempt persons 19 years of age or older on the effective date of this act and certain persons authorized to make purchases from certain military liquor or package stores, pursuant to Section 28-1-3, Code of Alabama 1975.

Committee on State Administration.

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By Reps. Blake, Newman, Lauderdale, Faulk, Crow, Pratt, Warren, Melton, Butler, Junkins, Richardson, Cosby, Gaston, Poole, Hettinger, Hall, Goodwin, Clark (D), Bugg, Trammell, Browder, Box and Dutton:

H. 7. To amend Section 2 of Act No. 84-240, H. 88 of the 1984 Regular Session relating to motor vehicle license taxes or registration fees so as to eliminate the additional fee of \$10.00 imposed on passenger automobiles by such act.

Committee on Ways and Means.

By Reps. Crow and Coleman:

H. 8. To amend Section 12-12-31, Code of Alabama 1975, which provides for the jurisdiction of small claims court, so as to provide further for said jurisdiction.

Committee on Judiciary.

By Rep. Crow:

H. 9. To amend Section 41-16-50, Code of Alabama 1975, which provides for competitive bidding on contracts of certain state and local agencies, so as to increase the amount of the contract requiring said bidding.

Committee on State Administration.

By Rep. Payne:

H. 10. To create and establish the Alabama Economic and Financial Advisory Council; to provide for the membership of such council; to prescribe the terms, duties and responsibilities of the members of such council; to provide for the organization and staff of such council; to provide for the intergovernmental cooperation between the council and state agencies toward the purposes for which such council shall exist and to provide that the Governor and the Legislature shall use a certain report issued by said council as a basis for formulating the state budgets for each fiscal year.

WHEREAS, the State of Alabama today faces financial problems of unprecedented seriousness; and

WHEREAS, reputable economic forecasters have projected a continual widening of the gap between state income and expenditures in the years ahead; and

WHEREAS, there is a need for continual monitoring and analysis of our state's financial condition; and

WHEREAS, a sound and continuing knowledge and understanding of current and projected economic conditions is essential to our state's financial well-being; and

WHEREAS, Alabama is fortunate to have many citizens in both the private and public sectors who can contribute positively to the knowledge and understanding of our state's financial and economic situation; now therefore.

Committee on Ways and Means.

By Rep. Payne:

H. 11. Proposing an amendment to the Constitution of 1901, prohibiting deficit spending and relating to appropriations and the legislative process therefor.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Hooper:

H. 12. To amend Section 15-10-3, Code of Alabama 1975, which relates to arrest powers, so as to provide that federal law enforcement officers may arrest persons without warrants.

Committee on Judiciary.

By Rep. Hooper:

H. 13. To amend Section 13A-11-74, Code of Alabama 1975, which provides for exemptions from the requirement of a pistol license, so as to include retired federal law enforcement officers within the exemptions.

Committee on Judiciary.

By Rep. Pratt:

H. 14. To amend Section 40-12-260 of the Code of Alabama 1975, relating to motor vehicle license registration, so as to provide for a late-fee penalty of \$15.00 for the late transferral of registration of license tags by the vehicle purchaser.

Committee on State Administration.

By Rep. Fuller:

H. 15. To provide for a guaranteed minimum starting wage or salary for all municipal law enforcement officers of this state and provide for the enforcement of the provisions of this act.

Committee on Local Government.

By Rep. Grouby:

H. 16. To amend Section 40-23-7, Code of Alabama 1975, as amended by Act 84-248, H. 454, 1984 Regular Session which provides for the payment schedule of sales taxes, so as to eliminate the requirement that payers of large State sales tax liabilities will pay on an estimate basis during the period in which the tax liability accrues and to provide for distribution of the revenues.

Committee on Ways and Means.

By Rep. White (L):

H. 17. To amend Section 15-3-5, Code of Alabama 1975, which provides that there shall be no statute of limitations for prosecution of certain offenses, so as to include the offense of rape within the category.

Committee on Judiciary.

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By Rep. Sasser:

H. 18. To amend Section 12-15-34, Code of Alabama 1975, relating to the transfer of cases from juvenile court to criminal court, to provide that once a child has been transferred to criminal court, all subsequent action against said person shall be tried in criminal court.

Committee on Judiciary.

By Rep. Sasser:

H. 19. To amend Section 6-2-8, Code of Alabama 1975, which section provides for suspension of the running of statutes of limitations for certain legal actions for disabilities of persons because of incarceration, non-age and insanity, so as to eliminate the disability of incarceration.

Committee on Judiciary.

By Rep. Turner:

H. 20. To provide school nurse positions for each school system through the State Department of Education. The school nurse program shall be subject to funding provided for in the State Education Appropriations Budget.

Committee on Ways and Means.

By Reps. Crow, Blake, Pratt, Coleman, Browder, and Box:

H. 21. To amend further Section 40-12-248, Code of Alabama 1975, as last amended by Act No. 84-186, H. 182, Regular Session 1984, which relates to license tax and registration fees on trucks and tractors so as to provide further for the taxes and fees on recreational vehicles and trucks equipped as recreational vehicles.

Committee on Ways and Means.

By Rep. Biddle:

H. 22. To provide that if certain dangerous conditions exist, notwithstanding any law or rule to the contrary, the local board of education may authorize bus service for public school students who reside within two miles of a public school.

Committee on Ways and Means.

By Rep. Biddle (With Notice and Proof):

H. 23. Relating to Jefferson County; to provide that if certain dangerous conditions exist, notwithstanding any law or rule to the contrary, the local board of education may authorize bus service for public school students who reside within two miles of a public school.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 23, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Smith and Beers:

H. 24. To amend Code of Alabama 1975, §15-3-5, which specifies the crimes for which there is no limitation of time within which to commence

a prosecution, in order to enlarge the number of such crimes; to specify the conduct to which this amendment applies; to provide for severability; and to provide for an effective date.

Committee on Judiciary.

By Rep. Hooper:

H. 25. To amend Sections 36-20-3 and 36-20-31 of the Code of Alabama 1975, which sections relate to surety bond requirements for county and state at large notaries public, respectively, so as to increase the dollar amount of such bonds.

Committee on State Administration.

By Reps. Beers and Smith:

H. 26. To amend Code of Alabama 1975, §15-3-5, which specifies the crimes for which there is no limitation of time within which to commence a prosecution, in order to enlarge the number of such crimes; to specify the conduct to which this amendment applies; to provide for severability; and to provide for an effective date.

Committee on Judiciary.

By Rep. Pratt:

H. 27. To require certain liability insurance coverage for the protection of state, county and municipal law enforcement officers, payable from the treasuries of the respective state, county or municipal jurisdiction for the current fiscal year and thereafter, against false arrest actions arising out of the line and scope of employment, whether lawful or otherwise, by law enforcement officers; to require awards by competitive bids; and to prescribe that the provisions are cumulative to any and all provisions of laws relating to insurance coverage for law enforcement officers.

Committee on Ways and Means.

By Rep. Johnson (Roy):

H. 28. To amend Section 16-11-1, Code of Alabama 1975, which defines the word "city" for city boards of education purposes, so as to include municipalities in which four-year institutions of higher learning are located within said definition.

Committee on State Administration.

By Reps. Hooper and Pratt:

H. 29. To exempt the United Cerebral Palsy of Alabama, Inc., and any of its branches or agencies, from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Rep. Ford:

H. 30. To amend Section 16-27-1, Code of Alabama 1975, relating to rules and regulations prescribed by the state board of education concerning school buses, so as to authorize certain community, junior and technical college officers to prescribe rules and regulations concerning school buses used solely for school-related activities.

Committee on Education.

By Rep. Hooper:

H. 31. To exempt Goodwill Industries of Central Alabama, Inc., from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Reps. Holley, Moore, Onderdonk, Mitchell and Johnson (Roy):

H. 32. Providing for a special license plate for certain small businesses and prescribing a certain schedule for license taxes and registration fees on certain motor vehicles owned and operated by such businesses.

Committee on Ways and Means.

By Rep. Butler:

H. 33. To authorize the State Board of Health to designate the services rendered by the state and local health departments for which a reasonable fee may be charged. The State Board of Health is further required to set a maximum fee for each service. The local board of health may set fees for services, not to exceed the maximum set by the State Board of Health. The local board of health may charge and collect such fees. No citizen shall be deprived of any service because that person is indigent.

Committee on Health.

By Reps. Richardson and Hall:

H. 34. To amend Section 32-12-22 of the Code of Alabama 1975, relating to obtaining a driver's license to operate a motor-driven cycle, so as to provide that the director of public safety or an examining officer shall observe the applicant operate a motor-driven cycle in a competent manner prior to the granting of an operator's license.

Committee on Highway Safety.

By Reps. Richardson and Hall:

H. 35. To amend Section 12-12-31, Code of Alabama 1975, which provides for the jurisdiction of small claims court, so as to provide further for said jurisdiction.

Committee on Judiciary.

By Reps. Martin and Drake:

H. 36. Proposing an amendment to Amendment No. 443 to the Constitution of 1901, relating to certain conveyances of Alabama State Docks property to certain local port authorities in the Florence-Lauderdale County area and the Decatur-Morgan County area.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Onderdonk:

H. 37. To authorize and establish a procedure whereby ordinances of municipalities may be introduced into evidence in the circuit courts of this state on appeals from municipal or district courts.

Committee on Judiciary.

By Reps. Onderdonk and Turner:

H. 38. To amend the Code of Alabama 1975, Section 40-20-5, so as to change the due date for reports of production of natural gas under the Privilege Tax on Production.

Committee on Ways and Means.

By Reps. Onderdonk and Turner:

H. 39. To amend Code of Alabama 1975, Section 9-17-26, so as to change the due date for reports of production of natural gas under the Conservation and Production Tax.

Committee on Ways and Means.

By Rep. Onderdonk:

H. 40. To amend Section 12-14-5, Code of Alabama 1975, which Section relates to the bail of persons charged with violations of municipal ordinances and to amend Section 12-14-70, Code of Alabama 1975, as amended, which Section relates to appeals to the circuit court from judgments of municipal courts; to establish an effective date.

Committee on Judiciary.

By Rep. Onderdonk:

H. 41. To require all carnivals, road shows, tent shows and other itinerant entertainment in this state to secure liability insurance or an indemnity bond satisfactory to the secretary of state to cover its liabilities; to designate an agent for service of process and to provide penalties for violations.

Committee on Judiciary.

By Rep. Onderdonk (With Notice and Proof):

H. 42. Relating to Washington County; abolishing the office of constable; and providing an effective date.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 42, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Onderdonk (With Notice and Proof):

H. 43. Relating to Clarke County; abolishing the office of constable, and providing an effective date.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 43, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Harvey and Drake:

H. 44. To provide further for corneal tissue transplants.

Committee on Health.

By Rep. Onderdonk:

H. 45. To amend further sections 40-23-4 and 40-23-62 of the Code of Alabama 1975, which provide for certain exemptions from sales and use taxes, so as to include certain materials, supplies and equipment used in offshore federal waters; and to provide for an effective date.

Committee on Ways and Means.

By Reps. Onderdonk, Blakeney, Mikell and Rains:

H. 46. To amend Section 40-23-4.1 of the Code of Alabama 1975, relating to the exemption of certain prescribed drugs from sales tax, so as to provide further for such exemption of certain prescribed medical supplies and equipment.

Committee on Ways and Means.

By Rep. Pratt:

H. 47. To amend Section 15-10-3, Code of Alabama 1975, relating to arrest without a warrant, so as to provide that an officer may arrest for a misdemeanor or a felony offense when he has reasonable grounds to believe that a warrant for the person's arrest has been issued in this state.

Committee on Judiciary.

By Rep. Box:

H. 48. To exempt from all state, county, local or other ad valorem taxes all property owned and used by The Woman's Club of Saraland, Inc., a nonprofit corporation.

Committee on Ways and Means.

By Rep. Rice:

H. 49. To provide adequate minimum coverage for the diagnosis, treatment and rehabilitation of mental, emotional or nervous disorders, drug abuse or alcoholism to certain group health insurance policies, contracts and plans, which are delivered, issued for delivery, renewed or used in this state and to repeal certain conflicting laws regarding alcoholism treatment in group plans and to specifically repeal Sections 27-20A-1 through 27-20A-04, Code of Alabama 1975.

Committee on Insurance.

By Reps. Box, Turner, Marietta and Zoghby:

H. 50. To exempt any organization conducting bingo games pursuant to the Mobile County Bingo Act from the payment of all state, county and municipal sales and use taxes, retroactive to the effective date of said Bingo Act.

Committee on Ways and Means.

By Rep. Biddle (With Notice and Proof):

H. 51. Relating to Jefferson County; amending Section 5 of Act No. 176, S. 117 of the Extraordinary Session of 1936 (General and Local Acts 1936, p. 206) as last amended by Section 1 of Act No. 217, H. 261 of the First Special Session of 1964 (Acts 1964, p. 299) relating to notification procedures for ad valorem tax assessments in said county, so as to provide further for such procedures.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 51, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Payne (With Notice and Proof):

H. 52. Relating to the Waterworks Board in a Class I municipality by providing for an increase in the membership of such board.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 52, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Payne (With Notice and Proof):

H. 53. To amend further Section 11-41-1, Code of Alabama 1975, as amended, relating to the incorporation of a municipality so as to delete restrictions upon the incorporation of a municipality lying within or partly within the boundaries of a county having a population of 600,000 or more.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 53, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Payne (With Notice and Proof):

H. 54. Relating to Jefferson County; to amend Section 4 of Act No. 547 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965 (Acts 1965, p. 797), as amended, relating to the board of directors for a civic center authority in certain counties classified on a population basis, so as to provide further for the procedure for selecting the members of such board.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 54, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Payne (With Notice and Proof):

H. 55. Regulating the liquor traffic in Jefferson County by prohibiting Sunday sales of alcoholic beverages in said county upon referendum disapproval of such sales by the qualified electors of the county.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 55, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Payne (With Notice and Proof):

H. 56. Regulating the liquor traffic in Jefferson County by prohibiting Sunday sales of alcoholic beverages in said county upon referendum disapproval of such sales by the qualified electors of the county.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 56, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Box (With Notice and Proof):

H. 57. Relating to Mobile County; providing that no permanent facilities for the storage or disposal of hazardous waste shall be constructed in the county, without the written authorization from the respective municipal or county governing bodies in their respective jurisdictions.

Committee on Health.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 57, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harvey:

H. 58. To amend Section 9-13-82(a) of the Code of Alabama 1975, so as to provide for severance of forest products at an increased tax rate; and in addition to all other appropriations, to provide for a \$1,800,000.00 appropriation to the Alabama Forestry Commission from the general fund for the 1985-86 state fiscal year.

Committee on Ways and Means.

By Reps. Harvey and Browder:

H. 59. To propose an amendment to the Constitution of Alabama 1901, to provide for the promotion of forest fire protection on forest lands within this state; to provide for the levying, collecting and distribution of assessments for costs; replacing or superceding certain local laws heretofore enacted; to provide for similar local forest fire protection and assessment programs, upon

ratification by the voters of this amendment; and to authorize the legislature to provide funds for the administration of such forest fire protection program hereby enacted on a statewide basis.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Reps. Harvey and Browder:

H. 60. To provide protection against forest fires within the state; to assess a part of the cost thereof against forest lands in the state, and to prescribe the procedure for levying and collecting such assessments; and to provide that it shall become effective upon ratification of constitutional amendment authorizing its provisions.

Committee on Ways and Means.

By Rep. Tanner:

H. 61. To provide that persons over 65 years of age, disabled or blind who are entitled to certain ad valorem tax exemptions shall not be required to file an application for said exemption annually.

Committee on Ways and Means.

By Rep. Tanner:

H. 62. Requiring credit reporting businesses in this state to furnish individuals a copy of their personal credit reports when such information is requested subject to certain conditions and prescribing penalty for failure to furnish such information.

Committee on Banking.

By Reps. Box, Marietta, and Fuller:

H. 63. To define and set the punishment for the crimes of: unlawful distribution of controlled substances in the first, second, and third degree; unlawful possession of a controlled substance in the first, second, and third degree; unlawful possession of marihuana in the first and second degree; unlawful possession of narcotic paraphernalia; to provide for forfeitures and seizures; to amend Code of Alabama 1975, §§20-2-2, 20-2-32, 20-2-72, 20-2-80, 20-2-81, and 20-2-93; to provide for the incorporation of Act No. 82-426, "The Imitation Controlled Substances Act," into this act; to provide for the incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal Code of Alabama 1975, §§20-2-70, 20-2-73, 20-2-75, and any and all other laws or parts of laws that conflict with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to repeal such laws; to specify the conduct to which this act applies; to provide for severability; and, to provide an effective date.

Committee on Judiciary.

By Reps. Starkey, Carter, Grouby, Butler, Adams, Clark (D), Bugg, Junkins, Ford, Newman, Lauderdale, Hettinger, Grayson, Gray, Richardson, Burke, Rains, Brooks, Box, Kvalheim, Gaston, Hooper, Reed, Turnham, Flowers, Preuitt, Venable, Hammett, Crow, McKee, Zoghby, Mikell, Penry,

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McMillan, Holmes, Black, Albright, Smith, Boles, Coleman, Bowling, Payne, Clark (J), McNair, McDowell, Melton, Pratt, Biddle, Goodwin, Turner, Hall, Holley, Mitchell, Marietta, Trammell, Beasley, Cosby, Onderdonk, and Tanner:

H. 64. To amend Sections 31-6-2, 31-6-4, 31-6-5 and 31-6-6, Code of Alabama 1975, relating to educational benefits for certain children or wives or widows of certain deceased or disabled veterans or prisoners of war, so as to further provide therefor.

Committee on Ways and Means.

By Reps. Bugg, Tanner, Junkins, Kennedy, Zoghby, Box, Richardson, Rogers, Rains, Coleman, Newman, Parker, Lauderdale, Grayson, Davis, Escott, and Beers:

H. 65. To provide that persons over 65 years of age, disabled or blind who are entitled to certain ad valorem tax exemptions shall not be required to file an application for said exemption annually.

Committee on Ways and Means.

By Rep. Smith:

H. 66. To amend Section 16-13-52, Code of Alabama 1975, relating to the method of computing the allocation of the minimum program fund, so as to alter the method of computation so as to use average daily enrollment as a factor; to amend Section 16-39-11, relating to the transportation of exceptional children, so as to base certain computations on average daily enrollment; and to amend Section 28-2-23, relating to sale of certain malt beverages, so as to base certain computations on average daily enrollment.

Committee on Ways and Means.

By Rep. Smith:

H. 67. To amend Section 16-13-52, Code of Alabama 1975, relating to the method of computing the allocation of the minimum program fund, so as to alter the computation from the first four scholastic months to the first three scholastic months.

Committee on Ways and Means.

By Rep. Smith:

H. 68. To amend Section 16-13-52, Code of Alabama 1975, so as to provide that counselors, librarians and principals shall not be considered teachers for the purpose of determining the number of teacher units to be allowed school systems for the purpose of apportioning the minimum program fund and to provide for a phase-in period.

Committee on Ways and Means.

By Reps. Smith and Lauderdale:

H. 69. To amend Section 41-4-93, Code of Alabama, 1975, so that reimbursements from any source made to the Rehabilitation and Crippled Children Service for state funds expended on behalf of clients do not revert at the end of a fiscal year.

Committee on Ways and Means.

By Reps. Biddle, Drake, White (L), Clark (J), Butler, Flowers, Moore, Holley, Mikell, Johnson (RG), Campbell, Carothers, Nicholson, Poole, Fuller, Reed, Kvalheim, Mitchell, Hettinger, Hammett, and Johnson (Roy):

H. 70. To amend §22-2-4, and §22-2-10, Code of Alabama 1975, to provide for the payment of per diem, subsistence, and mileage to the Members of the State Committee of Public Health.

Committee on Health.

By Rep. Smith:

H. 71. To amend Section 41-4-150, Code of Alabama 1975, relating to the printing of the acts and journals, so as to reduce the number printed.

Committee on State Administration.

By Reps. Nicholson and Martin:

H. 72. Proposing an amendment to Amendment No. 443 to the Constitution of 1901, relating to certain conveyances of Alabama State Docks property to certain local port authorities in the Cordova-Walker County area, the Florence-Lauderdale County area and the Decatur-Morgan County area.

Committee on Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Rep. Fuller:

H. 73. To amend Section 25-4-78 of the Code of Alabama 1975 relating to disqualifications for unemployment compensation benefits so as to provide further for such disqualifications.

Committee on Business and Labor.

By Rep. Fuller:

H. 74. Authorizing and empowering certain independent service districts to contract with each other for collection of service charges imposed by either service district on a common subscriber and authorizing such collecting district to terminate its service for failure to pay charges lawfully due to the non-collecting district.

Committee on Local Government.

By Rep. Seibels:

H. 75. To amend Sections 13A-6-60 and 13A-6-64, Code of Alabama 1975, relating to sexual offenses in the criminal code, so as to define the crime of bestiality and to prescribe penalties for the commission of such crime.

Committee on Judiciary.

By Rep. Seibels:

H. 76. To prohibit the use by any person of a high altitude decompression chamber to kill any dog or cat and to prescribe penalties for violations.

Committee on Judiciary.

By Rep. Seibels:

H. 77. To amend Section 13A-11-14, Code of Alabama 1975, relating to the crime of cruelty to animals, so as to make it a crime to kill or injure without good cause any domestic animal, not just an animal belonging to another.

Committee on Judiciary.

By Reps. Grayson, Black, Clark (W), McDowell, and Seibels:

H. 78. To provide a "State Black Archives, Research Center and Museum" at Alabama Agricultural and Mechanical University; creating a repository of source materials on Afro-American history and culture and providing authority to receive available funds.

Committee on Ways and Means.

By Rep. Holley:

H. 79. To amend Section 16-13-52, Code of Alabama 1975, which provides for determining the number of teacher units to be allowed county and city school systems for the purpose of apportioning the Minimum Program Fund, so as to provide for one teacher unit for each 20 pupils enrolled for kindergarten.

Committee on Ways and Means.

By Rep. Holley:

H. 80. To amend section 40-18-20, Code of Alabama 1975, so as to provide that the retirement income of military personnel shall be exempt from state, county, and municipal income taxes.

Committee on Ways and Means.

By Rep. Holley:

H. 81. To exempt The Pea River Historical and Geneological Society from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Rep. Moore:

H. 82. To provide that any county ad valorem taxes that are designated for educational purposes and that are levied on property located in any municipality that encompasses property in two or more counties shall be distributed to the county or counties furnishing the educational facilities in the municipality.

Committee on Ways and Means.

By Rep. Moore:

H. 83. To provide that residents of any municipality that encompasses property in two or more counties may attend any public school located within the municipality.

Committee on Education.

By Rep. Britnell:

H. 84. Proposing an amendment to the Constitution of 1901, as amended, and repealing Amendment 448 to the Constitution of 1901, relating to passage of the major and basic appropriations.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Flowers (With Notice and Proof):

H. 85. To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in Pike County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 85, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Trammell, Smith, Blake, Boles, and Crow:

H. 86. To amend Sections 25-8-4, 25-8-8, and 25-8-16, Code of Alabama, 1975, so as to bring Alabama's Child Labor statutes into agreement with existing Federal regulations pertaining to working hours of children under age sixteen and establishes additional specific working hours for certain children enrolled in school and also provides for exemptions to established work hours.

Committee on Judiciary.

By Reps. Flowers, Martin, Holley, and Faulk:

H. 87. To amend Section 32-6-150, Code of Alabama 1975, which provides for the issuance of personalized motor vehicle license tags or plates, so as to provide for issuance of 9999 Troy State Commemorative tags, to be issued January 1, 1987, through October 31, 1987, for an additional charge, and to provide that the trustees of said University shall design or have designed such commemorative tag.

Committee on Ways and Means.

By Rep. Hall:

H. 88. To propose an amendment to the Constitution of 1901, authorizing the Legislature to provide for promotion of production, distribution, marketing, use, improvement and sale of wheat and other feed grains as defined and authorized by the Legislature.

Committee on Agriculture and Forestry.

The above bill was read a first time at length as required by the Constitution.

By Rep. Hall:

H. 89. To authorize and provide for the promotion of the production, marketing, use and sale of wheat, corn, grain sorghum, and oats and wheat,

corn, grain sorghum, and oats products by research, education, advertising and other methods; and prescribing a method whereby wheat, corn, grain sorghum, and oat producers may act jointly with handlers, buyers, processors, the State Board of Agriculture and Industries, and others, for a promotional program; providing that producers may by referendum levy upon themselves assessments for financing a promotional program and for the collection, disbursements and expenditures of funds collected from assessments, the regulations, requirements and authority relative thereto; providing for non-assessments, or refund of assessments; prescribing duties of the Commissioner of Agriculture and Industries and the State Board of Agriculture and Industries with respect to a promotional program for the wheat, corn, grain sorghum, and oats producers of Alabama; and providing for the administration thereof by a nonprofit association which is fairly and substantially representative of the producers of wheat, corn, grain sorghum, and oats throughout the State; and providing for collection and distribution of assessments by dealers, handlers, and buyers of wheat, corn, grain sorghum, and oats; requiring an annual permit of such dealers, processors, and other buyers; and other administrative, enforcement, promotional, and penalty provisions.

Committee on Agriculture and Forestry.

By Reps. Hall and Hettinger:

H. 90. To amend section 40-18-100 and 40-18-102 of the Code of Alabama 1975, which provide for the offset of state tax refunds to satisfy debts owed the Alabama department of pensions and security, so as to provide for the offset of refunds to satisfy child and or spousal support debts owed any individual being served by the department of pensions and security pursuant to the requirements of Title IV-D of the Social Security Act.

Committee on State Administration.

By Reps. Hall, Butler, Newman, Lindsey, Marietta, Coleman, Grouby, Blake, Faulk, Pratt, White (L), Black, Johnson (RG), Boles, Albright, Nicholson, Poole, Brakefield, Clark (J), Preuitt, Lauderdale, Reed, Burke, Grayson, Melton, Browder, Cosby, Payne, Fuller, Mathis, and Carothers:

H. 91. Restricting the jurisdiction of a municipal building code in outlying areas of a municipality to such areas in which the local residents have been afforded an opportunity to elect the municipal governing body responsible for such code.

Committee on State Administration.

By Rep. Hall:

H. 92. Relating to the Transient Occupancy Tax; to terminate the additional levy of such tax imposed in certain counties comprising the Alabama mountain lakes area and the appropriation of the proceeds thereof; and for such purpose to amend Sections 40-26-1 and 40-26-20 of the Code of Alabama 1975.

Committee on Ways and Means.

By Rep. Clark (J):

H. 93. To amend Section 27-4-2, Code of Alabama 1975, which provides for the collection of certain fees and licenses, so as to increase certain fees; to establish an Insurance Regulatory Trust Fund for the payment of the expenses of the Insurance Department; to provide that any appropriation to

the Insurance Department for fiscal year 1985-86 from the state general fund shall be repaid into said general fund; and to provide for an effective date.

Committee on Ways and Means.

By Reps. Clark (J), Marietta, Johnson (Roy), Campbell, and White (L):

H. 94. To amend Section 34-9-19, Code of Alabama 1975, relating to advertising by dentists so as to regulate further such advertising.

Committee on Health.

By Reps. Clark (J), Marietta, Johnson (Roy), Campbell, and White (L):

H. 95. To amend Sections 34-9-1, 34-9-9, 34-9-11, 34-9-17, 34-9-18, 34-9-22, 34-9-25, 34-9-26, 34-9-27, 34-9-29, 34-9-41, and 34-9-43 of the Code of Alabama 1975, relating to dentists and dental hygienists, so as to regulate further the practice of dentistry and dental hygiene; to regulate further the Board of Dental Examiners; to regulate the administration of anesthesia by dentists; and to provide sanctions.

Committee on Health.

By Rep. Warren:

H. 96. To amend Section 9-13-126, Code of Alabama 1975, relating to the "control of forest tree insects and diseases fund" in the state treasury so as to provide for the appropriation, allocation and replenishing of monies in said fund each year; and requiring the state comptroller to replenish the funds within a period of one week following commencement of each state fiscal year.

Committee on Ways and Means.

By Rep. Warren:

H. 97. To exempt the Monroe County Ladies Auxiliary to V.F.W. Post No. 8485 from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Rep. Warren:

H. 98. To exempt the Vredenburgh Health Center, Monroe County, Alabama, a nonprofit corporation, from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Rep. Coburn (With Notice and Proof):

H. 99. Relating to Colbert County; to provide that any wholesaler licensee for a beer or table wine may locate, maintain and operate the licensee's place of business anywhere whether wet or dry, within Colbert County, if the place of business when originally located was in an area that at the time was wet.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 99, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Starr:

H. 100. To require reimbursement to a municipality, a county, or the state, which has expended public funds for the training of persons in qualifying as "fire protection personnel and firefighter", as such term is defined in Section 36-32-1, Code of Alabama 1975, as amended, if such persons are employed by another state, county or municipal agency within twelve months of the date of completion of the training described and provided for in Chapter 32, Title 36, Code of Alabama 1975, as amended; establishing procedures.

Committee on Ways and Means.

By Reps. Blake, Richardson, Hettinger, Smith, Moore, Bowling, Trammell, Coleman, White (L), Flowers, Beasley, Zoghby, Newman, Crow, Turnham, Turner, Hall, Cosby, Laird, Venable, and Grouby:

H. 101. To further provide for criminal procedure and to prescribe the conditions for the issuance of warrants for night time searches and seizures; and to repeal Sections 15-5-8 and 15-5-12 of the Code of Alabama 1975, and all other conflicting laws relating to the issuance of warrants.

Committee on Judiciary.

By Rep. Starr:

H. 102. To amend Section 11-45-8, Code of Alabama 1975, to include other like codes with those codes listed which may be adopted by ordinance and by reference under the authority and procedures of said section.

Committee on Local Government.

By Rep. Starr:

H. 103. To amend Section 41-16-50 and Section 41-16-57, Code of Alabama 1975, relating to the expenditure of public funds for leases and related to the expenditure of public funds awarding lease purchase contracts; to establish an effective date.

Committee on State Administration.

By Rep. Butler:

H. 104. To amend Section 13A-10-10 of the Code of Alabama 1975, relating to the crime of impersonating a public servant, so as to further define said crime and to increase the penalties for violation.

Committee on Judiciary.

By Rep. Butler:

H. 105. To prescribe procedures for an individual taxpayer to designate a contribution for indigent health care on the taxpayer's individual or joint income tax return.

Committee on Ways and Means.

By Reps. White (L), Faulk, Venable, Grouby, and Blake:

H. 106. To amend Section 32-6-231 of the Code of Alabama 1975 relating to parking decals for handicapped persons, so as to provide further

for such decals for certain vehicles used primarily to accommodate such persons in obtaining such decals.

Committee on State Administration.

By Rep. White (L) (With Notice and Proof):

H. 107. Relating to Tallapoosa County; providing further for the meeting days, and compensation of the members of the board of registrars; repealing Act No. 32, S. 26, Regular Session 1967 and Act No. 84-818, H. 41, First Special Session 1984; and providing for retroactive effect.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 107, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Butler, Smith, Laird, Carter, Clark (D), Blakeney, Burke, Lauderdale, Mitchell, Newman, Richardson, White (L), Bowling, Melton, Hall, Brakefield, and Coleman:

H. 108. To amend Sections 40-25-2 and 40-25-23 of the Code of Alabama 1975, relating to the levy of and collection and allocation of tobacco tax revenues, so as to provide an additional one cent per pack cigarette tax when the current temporary additional eight cents per pack federal tax expires, and to allocate a certain portion of such revenues from cigarettes for the purchase of emergency medical equipment.

Committee on Ways and Means.

By Rep. White (L) (With Notice and Proof):

H. 109. Relating to Tallapoosa County; providing further for the procedure for selling and redeeming lands for taxes.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 109, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. White (L), Beasley, Zoghby, and Blake:

H. 110. To provide for charges that may be made for bad checks given in payment to lenders of money or extenders of credit; to provide that such charges shall not be deemed interest, finance or other charges that are limited or restricted by law; to provide that this act shall be included in the Code of Alabama 1975 as Section 8-8-15 of said code.

Committee on Banking.

By Reps. White (L), Faulk, Venable, Grouby, and Blake:

H. 111. To amend the title and Sections 1, 2 and 3 of Act No. 84-619, S. 460, of the 1984 Regular Session relating to loaning of state owned surplus property to certain volunteer entities, so as to provide that such property may be loaned to volunteer fire departments.

Committee on State Administration.

By Reps. White (L), Beasley, and Faulk:

H. 112. To authorize any municipality or group of municipalities, either individually or collectively, to establish a health and accident self-insurance group for the purpose of providing health care and hospital benefits for their officers, employees and family members dependent upon such officers or employees; to authorize the use of public funds in providing such benefits; to provide procedures for the establishment and operation of such groups; to exempt such groups from the regulation by the Department of Insurance of the State of Alabama; to exempt such groups from insurance premium taxes; and to establish an effective date.

Committee on Local Government.

By Rep. Campbell:

H. 113. To be known as the "Alabama Eminent Domain Code", providing standards for the acquisition of property by condemnors; provides the procedure for the condemnation action; establishes the standard for the conduct of condemnation actions; establishes the procedure for the determination of just compensation; provides compensation standards; provides the procedure for trial, judgment and postjudgment; provides for arbitration of compensation; provides standards related to evidence in condemnation actions; and repeals Sections 18-1-1 through 18-1-32, of the Code of Alabama of 1975.

Committee on Judiciary.

By Reps. Campbell, Biddle, Johnson (Roy), Davis, Trammell, Buskey (John), Drake, Clark (J), Escott, Starr, Blake, Moore, Newton, Hooper, Junkins, Thomas, Newman, Boles, Blakeney, Sasser, Rogers, Cosby, Laird, Crow, Venable, Turnham, Zoghby, Turner, Box, Perdue, McNair, and Hammett:

H. 114. To establish service territories for electric suppliers within the State; to provide the means of eliminating or reducing the potential for duplication of electric distribution facilities used for furnishing retail electric service; to mandate and implement the determination of which electric supplier shall furnish retail electric service to electric customers within various areas of the State including areas within municipal limits of municipalities as such municipal limits existed on April 26, 1984 and outside municipal limits based on the location of electric distribution facilities as of January 1, 1984; to provide that the primary electric supplier within each municipality in the State shall have the right, at its option, to purchase all distribution facilities of any secondary electric supplier used to supply retail electric service within the municipal limits as such municipal limits existed on April 26, 1984 and have the right to serve all premises within the municipal limits as such municipal limits existed on April 26, 1984, subject to certain conditions; to define the right and obligation of municipalities and municipally-owned electric suppliers to provide electric service in areas outside the municipal limits as such municipal limits existed on April 26, 1984 based on the location of electric distribution facilities as of January 1, 1984; to provide electric suppliers designated to serve particular areas outside municipal limits of any municipality, an option to purchase facilities of other suppliers constructed in such area after January 1, 1984; to provide for resolution of disputes between electric suppliers regarding sale or purchase of electric facilities; to provide for the applicability of certain provisions of Title 37, Code of Alabama (1975); to provide special rules for elimination

of duplication of facilities in the case of certain agreements between electric suppliers; to prohibit the providing of electric service in violation of this Act; to provide for judicial review and validation of the provisions of this Act by the courts and set out procedures governing such proceedings and appeals therefrom; to provide that certain provisions of the Act are not severable and that if any such provision is declared invalid under state law, the remaining provisions also shall be invalid, and to further provide that if the Act is declared invalid, any actions taken by any party in conformity with the provisions of the Act shall be lawful but that any electric service rendered pursuant to the provisions of the Act shall be terminated; and to repeal all laws or parts of laws in conflict herewith or if Act No. 84-206, adopted in the Regular Session of 1984, is upheld, to amend Act No. 84-206 so as to provide for and approve additional agreements between electric suppliers to eliminate duplication of facilities.

Committee on State Administration.

By Rep. Campbell:

H. 115. To establish the Alabama Endowment Trust Fund for Eminent Scholars; provides that the Alabama Commission on Higher Education shall administer the trust fund; provides for investment of appropriated funds and for the use of accrued interest; provides for matching of funds; provides for the creation of separate foundation trust funds for each university; provides for pledged funds and for the expending of the funds; and provides an appropriation.

Committee on Ways and Means.

By Rep. Campbell:

H. 116. To amend the Alabama Administrative Procedure Act, Act No. 81-855, Acts of Alabama 1981 (codified as Chapter 22, Title 41, Code of Alabama 1975), by specifically amending Section 41-22-3, Code of Alabama 1975, relating to the definition of "agency" to include the Alabama Department of Environmental Management and the state fire marshal and to delete those exempted agencies which no longer exist, and relating to the definition of "rule" to exempt from that definition any form which is specifically required by federal statute or by federal rule or regulation, but providing that all forms must be on file with the secretary of the agency and with the legislative reference service and published in the agency administrative code and relating to the definition of "contested case" to exempt from that definition and the provisions of Sections 41-22-12, through 41-22-21, Code of Alabama 1975, certain pardon and parole hearings; by amending Section 41-22-6, Code of Alabama 1975, relating to the effective dates of rules so as to permit an effective date of less than 35 days where the action is required by or to comply with a federal statute or regulation which requires adoption of a rule upon fewer than 35 days' notice and to require that adopted rules be filed within 90 days after notice; by amending Section 41-22-8, Code of Alabama 1975, relating to the time limitation placed upon agency action upon a petition in writing requesting the adoption, amendment or repeal of a rule so as to grant an agency which has its next regularly scheduled meeting beyond said 60-day period, the authority upon written notice to extend the period for not more than 30 days within which to deny or initiate rule-making proceedings; by amending Section 41-22-11, Code of Alabama 1975, to correct appeals reference; by amending Section 41-22-12, Code of Alabama 1975, relating to contested cases to permit, where now permitted by existing statute, delivery of notice of hearing by first-class mail, postage prepaid, to

be effective upon the deposit of the notice in the mail; and further to provide that where the statutory determinative process is a multi-level procedure, the opportunity to present evidence need be afforded at only one level in the process unless otherwise provided by statute; by amending Section 41-22-13, Code of Alabama 1975, relating to rules of evidence so as to provide that, where judicial review is by a trial de novo, it is not necessary to make objections or for the agency to rule upon objections during a hearing, where such procedure is announced in advance of hearing, but requires the agency in such case to consider only such testimony and evidence as is relevant, material, competent and legal; by amending Section 41-22-16, Code of Alabama 1975, relating to final decisions and orders to provide that notification of all orders, except the final order, may where permitted by existing statute, be delivered by first-class mail, postage prepaid, and delivery to be effective upon deposit of the notice in the mail; by amending Section 41-22-20, Code of Alabama 1975, relating to judicial review of contested cases to require that a cost bond must be filed with the agency in order to initiate appeal or review; to make the 30-day period within which to appeal or to institute judicial review uniform in all cases, to provide for appeal or review by the courts by a trial de novo where permitted by existing or future statute; to provide that appeals from agency orders may also be filed in the circuit court of Montgomery County; by amending Section 41-22-21, Code of Alabama 1975, relating to appeals from final judgments of circuit courts to require that an appeal must be taken to the appropriate appellate court within 42 days from entry of judgment; by amending Section 41-22-23, Code of Alabama 1975, to clarify the time in which the joint committee on administrative regulation review has to approve or disapprove a proposed regulation and to provide further for the number of copies of a proposed rule an agency shall furnish the committee; by amending Section 41-22-24 to provide the procedure for reconsideration of disapproved rules by the legislature; amending Sections 41-22-25 and 41-22-27, Code of Alabama 1975, to clarify the effective date and publication date of the Alabama Administrative Procedure Act; and repealing the exemption of the Alabama Department of Environmental Management as set forth in Section 14(d) of Act No. 82-612, Acts of Alabama 1982.

Committee on Judiciary.

By Rep. Campbell:

H. 117. To amend Section 36-26-17, Code of Alabama 1975, relating to the manner of filling vacancies in the classified service so as to increase the number of names certified by the state personnel department director.

Committee on State Administration.

By Rep. Campbell:

H. 118. To amend further Section 40-18-14, Code of Alabama 1975, which section defines gross income for state income tax purposes, so as to further define the term "gross income" so as to conform Alabama's definition of said term to the federal provisions of Internal Revenue Code Section 457, 26 U. S. Code 457, with respect to the exclusion of contributions to a deferred compensation plan authorized by said federal statutes, effective January 1, 1986.

Committee on Ways and Means.

By Rep. Campbell:

H. 119. To amend Article 19 of Chapter 4 of Title 10 of the Code of Alabama (1975), as amended, the Revised Alabama Professional Corporation Act, by amending Sections 10-4-389, 10-4-403 and 10-10-2 of the Code of Alabama (1975), as amended to determine the date of disqualification of shareholders, to allow corporations in existence December 31, 1983 in which licensed medical and dental professionals were allowed to be shareholders under Section 10-4-235, Code of Alabama (1975), to continue, and to repeal Section 10-10-10 Code of Alabama (1975) which requires annual reports of professional associations.

Committee on Judiciary.

By Rep. Campbell:

H. 120. To amend Section 10-3A-2(8) of the Code of Alabama 1975, which section relates to the Alabama Nonprofit Corporation Act, so as to amend the definition of members to include a domestic or foreign nonprofit corporation.

Committee on Judiciary.

By Rep. Campbell:

H. 121. To prohibit the deliberate falsification of certain school records and to establish penalties upon conviction.

Committee on Judiciary.

By Rep. Campbell:

H. 122. To amend Section 36-19-3, Code of Alabama 1975, by deleting therefrom chiefs of police, marshals and mayors and providing that persons deemed assistants to the fire marshal may become subject to the duties and obligations imposed by Chapter 19 of Title 36, Code of Alabama 1975, and subject to the direction of the fire marshal in the execution of the provisions of said Chapter.

Committee on Local Government.

By Rep. Campbell:

H. 123. To amend Section 16-24-2, Code of Alabama, 1975, to allow county and city boards of education, upon the recommendation of the superintendent, to grant "continuing service status" to teachers who have completed at least one academic year of employment and who have had "continuing service status" previously granted in another school system.

Committee on Education.

By Rep. Campbell:

H. 124. To amend Section 29-7-4, Code of Alabama 1975, relating to the compensation and employment of personnel by the Legislative Reference Service, so as to further provide for the hiring of said personnel.

Committee on Ways and Means.

By Rep. Box (With Notice and Proof):

H. 125. Relating to Mobile County; to amend Section 3 of Act No. 83-731, S. 377 of the 1983 Regular Session of the Alabama Legislature (1983

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Acts, p. 1184) cited as the "Mobile County Bingo Act"; so as to provide further for the operation of bingo games in Mobile County.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 125, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Junkins, Burke, Newman, Richardson, Coleman, Bowling, Britnell, and Turnham:

H. 126. To amend Section 36-27-16 of the Code of Alabama 1975, relating to retirement allowances under the employees' retirement system so as to provide further for such allowances.

Committee on State Administration.

By Rep. White (F) (With Notice and Proof):

H. 127. To alter, rearrange and extend the boundary lines and corporate limits of the City of Atmore in Escambia County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 127, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. White (F) (With Notice and Proof):

H. 128. Relating to Escambia County; abolishing the office of constable in such county.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 128, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Ford:

H. 129. To create and establish a Military Department Billeting Revolving Fund; to provide for a one-time appropriation to establish said fund; to provide for the methods of expending such funds for billeting purposes; to provide for the promulgation of procedures concerning operation of said billeting revolving fund by the Adjutant General; to provide for the collection of charges for such billeting so as to reimburse and replenish said revolving fund; and to provide that monies remaining in the Military Department Billeting Revolving Fund at the end of any fiscal year shall be encumbered and carried over from year to year.

Committee on Ways and Means.

By Rep. Brooks (With Notice and Proof):

H. 130. Relating to Madison County, to further regulate the compensation of the board of registrars, by amending Act No. 948. H. 2007, Regular Session 1973, (Acts 1973, p. 1458).

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 130, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Brooks:

H. 131. To propose an amendment to the Constitution of Alabama providing for financial home rule for Madison County and any municipality within Madison County within which a majority of voters shall have approved this act.

Committee on Local Legislation No. 4.

The above bill was read a first time at length as required by the Constitution.

By Rep. Marietta:

H. 132. To further amend Section 28-3A-25, Code of Alabama 1975, relating to alcohol-related offenses in illegally selling, consuming, transporting and manufacturing alcoholic beverages, beer and wine, so as to broaden the applicability of such offenses to include among others, servants, agents or employees.

Committee on Judiciary.

By Rep. Marietta:

H. 133. To provide preferential treatment towards admission to any medical research program for any disease deemed crippling or fatal, because of the lack of a known cure, for any sworn full time, regular employed state, county or municipal police officer or fire fighter.

Committee on Health.

By Rep. Marietta:

H. 134. To amend Sections 26-10-8 and 26-10-9, Code of Alabama 1975, relating to violations and the crime of advertising or inducements to parents to part with their offspring; so as to prohibit any parent, guardian, agency or legal custodian of a child, or any other person, to receive anything of value as consideration for the relinquishment of a child for adoption or sale; to prescribe Class C felony punishment for such crime, upon conviction thereof; and to provide for the assessment of incidental costs if they are reimbursements for expenses incurred or fees for services rendered.

Committee on Judiciary.

By Rep. White (F):

H. 135. To propose an amendment to the Constitution of Alabama of 1901 to abolish the collection of the state sales tax on groceries in the several counties which are adjacent to states which have no sales tax on groceries.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Marietta (With Notice and Proof):

H. 136. To provide for the filing for record and the preservation of all orders and decrees made and entered by any Judge of the Circuit Court of the 13th Judicial Circuit.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 136, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Marietta:

H. 137. Relating to motor vehicles; requiring as a condition of registration that every person applying for the registration or licensing of a motor vehicle shall secure and pay the premium on a motor vehicle liability insurance policy issued by an insurance company authorized to transact business within the State of Alabama, or otherwise establish financial responsibility, and to facilitate the procuring of such insurance to provide for an assigned risk plan among insurance companies for the equitable apportionment among such companies of undesirable risks.

Committee on Judiciary.

By Rep. Box (With Notice and Proof):

H. 138. To alter, rearrange and add to the limits of the City of Satsuma in Mobile County, Alabama, and to describe the area so added to the City of Satsuma.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 138, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Smith, Starr, and Richardson:

H. 139. To amend Section 8-17-91, which provides for distribution of petroleum inspection fees; to provide that the State Treasurer shall make distribution of said fees.

Committee on Agriculture and Forestry.

By Rep. Smith:

H. 140. To provide full-time educational support personnel with personal leave days.

Committee on Ways and Means.

By Rep. Smith:

H. 141. To amend the definitions contained in § 13A-10-30 [in the criminal code article on escape and related crimes] to provide that the failure

of an inmate to remain within the limits of his confinement extended pursuant to any work release, trustee, furlough, leave, or pass program or to return within the time prescribed pursuant to such program to the place of confinement is an escape from custody and punishable as such; to provide that the restraint or detention aspect of custody for purposes of escape can be either actual or constructive; to define escape; to specify the conduct to which this act applies; to repeal all conflicting laws or parts of laws insofar as they apply to conduct occurring after the effective date of this act; and to provide an effective date.

Committee on Judiciary.

By Rep. Smith:

H. 142. To provide a procedure for hearings by the court prior to release from custody of defendants who were found to have committed a criminal act while mentally ill and were committed to the custody of the Commissioner of the Alabama State Department of Mental Health or other public facility as the Court may order.

Committee on Judiciary.

By Reps. McKee, Venable, Sasser, Turnham, and Hooper:

H. 143. To prescribe that in each polling place, the election officer shall designate one of its booths or compartments for the disabled and handicapped electors and for those 65 years of age or older where such electors, upon proof thereby, shall have priority rights.

Committee on Constitution and Elections.

By Reps. Sasser, Coburn, Biddle, Blake, Turner, White (L), and Hall:

H. 144. To provide further for indigent health care; establishes county indigent care boards, provides for reimbursement to hospitals after the hospitals have provided a certain percentage of annual gross revenues for indigent care; and provides for local funding of indigent medical care.

Committee on Health.

By Reps. Biddle, Trammell, Boles, and Payne:

H. 145. Prohibiting any public water supply system, supplying three or more municipalities, and operating from the site of its principal place of business in one county from charging customers in one municipality, or in any unincorporated area within any county at a higher rate for water or for maintenance and use of fire plugs than customers in any other municipality or unincorporated area within the county of its principal place of business; and prescribing penalties for violation.

Committee on State Administration.

By Rep. Biddle:

H. 146. To amend §41-16-21 of the Code of Alabama 1975 to exempt from the provisions of the law on competitive bidding on public contracts purchases by any hospital or other medical facility operated by any state department, board, bureau, commission, committee, institution, corporation, authority or office.

Committee on State Administration.

By Rep. Pratt:

H. 147. To amend Section 1-3-8, Code of Alabama 1975, relating to observance of state holidays, so as to provide further for such holidays.

Committee on State Administration.

By Reps. Marietta, Hettinger, Trammell, Buskey (John), and Escott:

H. 148. Relating to the Alabama Sunset Law: to continue the existence and functioning of the Board of Examiners for Speech Pathology and Audiology as provided in Section 34-28A-21 through 34-28A-40 of the Code of Alabama 1975, and the legislature's concurrence thereof.

Committee on State Administration.

By Reps. Marietta, Hettinger, Trammell, Buskey (John), and Escott:

H. 149. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Nursing Home Administrators as provided in Sections 34-20-1 through 34-20-16 of the Code of Alabama 1975, with certain modifications; to amend Section 34-20-11, Code of Alabama 1975, so as to provide for an application fee not to exceed \$100.00, and a temporary emergency permit fee not to exceed \$300.00, the exact amount to be determined by the board.

Committee on State Administration.

By Rep. Sasser:

H. 150. To provide that city boards of education which provide transportation for their students by contract with a county school system shall receive their minimum program allowance for transportation as a part of their allowable minimum program costs.

Committee on Ways and Means.

By Reps. Marietta, Hettinger, Trammell, Buskey (John), and Escott:

H. 151. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Dental Examiners as provided in Sections 34-9-1 through 34-9-47 of the Code of Alabama 1975, and the legislature's concurrence thereof.

Committee on State Administration.

By Reps. Marietta, Hettinger, Trammell, Buskey (John), and Escott:

H. 152. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Nursing as provided in Sections 34-21-1 through 34-21-26 and 31-21-40 through 31-21-63 of the Code of Alabama 1975, and the legislature's concurrence thereof.

Committee on State Administration.

By Reps. Marietta, Hettinger, Trammell, Buskey (John), and Escott:

H. 153. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Optometry as provided in Sections 34-22-1 through 34-22-43 of the Code of Alabama 1975, and the legislature's concurrence thereof.

Committee on State Administration.

By Reps. Marietta, Hettinger, Trammell, Buskey (John), and Escott:

H. 154. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Physical Therapy as provided in Sections 34-24-190 through 34-24-217 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-24-192, 34-24-193, 34-24-194 and 34-24-215, so as to: add two additional members to the board; provide further for qualifications of board members; provide further for travel expenses of the board; change the term "therapy" to "therapist" for consistency with remainder of Chapter 24; provide subpoena powers to compel witnesses attendance and evidence for board meetings; and provide further for special research and educational programs.

Committee on State Administration.

By Reps. Marietta, Hettinger, Trammell, Buskey (John), and Escott:

H. 155. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Chiropractic Examiners as provided in Sections 34-24-140 through 34-24-172 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-24-140, 34-24-161 and 34-24-162, so as to authorize the board to employ certain investigators, attorneys or agents; to require the board to publish, at cost, a directory of chiropractors; to require issuances of licenses; to provide for reciprocal licensing standards; to provide for lost or changed-named licenses; and to provide for professional signs.

Committee on State Administration.

By Reps. Marietta, Hettinger, Trammell, Buskey (John), and Escott:

H. 156. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Pharmacy as provided in Sections 34-23-1 through 34-23-94 of the Code of Alabama 1975, and the legislature's concurrence thereof.

Committee on State Administration.

By Reps. Marietta, Hettinger, Trammell, Buskey (John), and Escott:

H. 157. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Podiatry as provided in Sections 34-24-230 through 34-24-276 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-24-253, 34-24-255, 34-24-271, 34-24-272 and 34-24-275, so as to increase various fees, the exact amounts to be set by the board; to provide for an application fee; and to provide that certain excess funds shall revert to the state general fund at the end of any fiscal year.

Committee on State Administration.

By Reps. Marietta, Hettinger, Trammell, Buskey (John), and Escott:

H. 158. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Veterinary Medical Examiners as provided in Sections 34-29-1 through 34-29-46 of the Code of Alabama 1975, with certain modifications; to amend Section 34-29-44, Code of Alabama 1975, so as to delete the United States citizen requirement of foreign applicants.

Committee on State Administration.

By Reps. Marietta, Hettinger, Trammell, Buskey (John), and Escott:

H. 159. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Hearing Aid Dealers as provided in Sections 34-14-1 through 34-14-33 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-14-3, 34-14-6, and 34-14-7, Code of Alabama 1975, so as to increase the various fees charged by the board.

Committee on State Administration.

By Rep. Marietta:

H. 160. To provide that any local city or county board of education be allowed to shorten the minimum number of school days up to a maximum of five days because schools were closed due to a natural disaster and to provide that no school shall lose any funds and that no teachers or employees shall lose any pay due to the provisions of this Act.

Committee on Education.

By Rep. Marietta (With Notice and Proof):

H. 161. Relating to Mobile County; providing for the abolition of the office of Constable in Mobile County.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 161, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Marietta (With Notice and Proof):

H. 162. Relating to Mobile County; providing for a guaranteed minimum wage or salary for all City of Mobile Law Enforcement Officers.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 162, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turnham:

H. 163. Relating to the Alabama Uniform Certificate of Title and Antitheft Act; to amend Section 32-8-41, Code of Alabama 1975, so as to eliminate the requirement of the state department of revenue to issue a nontransferable duplicate certificate of title for mailing to the owner to serve as a permit for the operation of a motor vehicle; and to amend Section 32-8-38, Code of Alabama 1975, so as to provide that the owner's permit copy of the application for certificate of title be retained by the owner as a nonnegotiable document as evidence of ownership and as a permit for the operation of a motor vehicle in order to eliminate the use of a form that duplicates the effects of another form.

Committee on Highway Safety.

By Reps. Marietta, Hettinger, Trammell, Buskey (John), and Escott:

H. 164. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Medical Examiners and the Medical Licensure Commission as provided in Sections 34-24-50 through 34-24-53, 34-24-55 through 34-24-59, 34-24-70 through 34-24-78 and 34-24-310 through 34-24-367 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-24-53 and 34-24-54 so as to: authorize the Board to create a special fund to defray costs of litigation involving the board and the commission and their members and staff; to provide further for the deposit and disposition of funds of the board; and to provide further for the compensation of members of the board and the commission.

Committee on State Administration.

By Rep. Laird (With Notice and Proof):

H. 165. Relating to Randolph County; to provide that there shall be a referendum election in said county to determine whether or not the construction and maintenance of the county road system shall remain under the present district or beat line system or shall be constructed and maintained under a county unit system.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 165, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Laird (With Notice and Proof):

H. 166. Relating to Randolph County; providing for a referendum on the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner; authorizing the legislature to set the compensation of such official by local law; repealing conflicting laws; providing for filing by candidates for county revenue commissioner and an election therefor; and providing for its effectiveness.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 166, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Laird:

H. 167. To amend the title and Sections 1, 2 and 3 of Act No. 84-619, S. 460, of the 1984 Regular Session (appearing as section 41-4-33.2 in the Cumulative Supplement to the Code of Alabama 1975) relating to loaning of state owned surplus property to certain volunteer entities, so as to provide that such property may be loaned to volunteer fire departments.

Committee on Small Business.

By Rep. Laird:

H. 168. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Randolph County.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Rep. Laird:

H. 169. To reopen the retirement systems of Alabama in order to allow active and contributing members and former such members with vested retirement benefits to claim and purchase credit for military service and to provide for its termination.

Committee on Ways and Means.

By Rep. Smith:

H. 170. Proposing an amendment to the Constitution of Alabama relative to conveying title to all 16th Section School lands owned by the State of Alabama in Bibb County to the Bibb County Board of Education for forestry education purposes with the supervision, management and control of said lands under the Bibb County Area Vocational School.

Committee on Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Reps. Smith, Parker, and White (L):

H. 171. To amend Section 36-7-20 of the Code of Alabama 1975 so as to further provide that the per diem travel allowance for employees stationed at the same place in the state for a period in excess of two consecutive months shall be reduced to an amount equal to \$5.00 less than the regular per diem allowance fixed by the governor.

Committee on Ways and Means.

By Reps. Smith, Starr, and Richardson:

H. 172. To amend Section 2-3A-2 of the Code of Alabama 1975 relating to the types of agricultural facilities permitted to be financed by the Alabama Agricultural Development Authority so as to permit the Authority to finance facilities for the treating, processing or storing of agricultural commodities without regard to whether such activities are customarily engaged in by farmers as a part of farming.

Committee on Agriculture and Forestry.

By Rep. Biddle:

H. 173. To further define the legal hours for the hunting of game birds and animals set forth in Chapter 11, Code of Alabama 1975, so as to limit the legal hours for the hunting of game birds and animals to the period of daylight hours only; to define the term "daylight hours" in accordance with U.S. Naval Observatory publications; and to repeal all laws, rules and regulations in conflict herewith.

Committee on Natural Resources.

By Rep. Buskey (John):

H. 174. Requiring counties and municipalities to adopt plans for hereafter electing members of their respective governing bodies from single member districts no later than January 1, 1986.

Committee on Local Government.

By Rep. Turner (With Notice and Proof):

H. 175. To amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939 (Local Acts 1939, page 298), which creates and establishes the County-wide Civil Service System in Mobile County, as amended by Act No. 684, H. 594 of the Regular Session of 1976 (Acts of Alabama 1976, page 939), so as to authorize each the presiding judge of the Circuit Court and the presiding judge of the District Court to designate members in their place on the Supervisory Committee of the Mobile County Personnel Board, and to provide for the election of a chairman of the said Supervisory Committee.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 175, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turner (With Notice and Proof):

H. 176. To amend Sections 1, 2, 6, 8, 9, 10, 11, 13, 14, 16, 23, 24, 28 and 29 of Act No. 243, H. 278, of the First Special Session of 1964 (Acts 1964, p. 326) as amended, which provided for the pension and relief system for policemen and firemen of the City of Mobile, Alabama, so as to provide for the qualifications for membership in such system; for the designation of a special fund for certain payments by insurance companies to the system; for a financial consultant for such system; for the composition, powers and duties of the board of directors of such system; for a full-time secretary for such system; prohibiting the garnishment of pension funds; for eligibility and participation; for procedures for reimbursement from the city for certain pensions relating to work related disabilities; for computing certain pensions; for allowances to surviving spouses; for the transition of duties and responsibilities between the City of Mobile and the Board; for the procedure on appeal from a decision of the Board; for certain options in electing benefits under such system; for cost-of-living increases in pensions under such system and to specifically repeal Sections 15 and 22 of said act.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 176, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turner (With Notice and Proof):

H. 177. Relating to Mobile County; establishing a branch of the license commissioner's office in the City of Citronelle.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 177, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turner (With Notice and Proof):

H. 178. Relating to Mobile County; to authorize and empower the county commission to promulgate and implement rules and regulations to prevent erosion and commercial development in approved residential subdivision developments in the county and to provide for civic remedy for enforcement of such rules and regulations.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 178, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turner (With Notice and Proof):

H. 179. To provide a supplement to the salaries of circuit court bailiffs in the Thirteenth Judicial Circuit.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 179, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turner (With Notice and Proof):

H. 180. Relating to the City of Citronelle, Mobile County, to provide for the payment of certain oil and gas tax proceeds to the volunteer rescue squad and the historical society and to create a board to determine said allocation.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 180, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turner:

H. 181. To provide that any municipality which levies and collects municipal taxes on the athletic events held by any school shall be refunded to the athletic department of such school; and to repeal conflicting laws.

Committee on Ways and Means.

By Rep. Turner (With Notice and Proof):

H. 182. Relating to Mobile County; to provide further for the disposition and use of the funds received by Mobile County under the provisions of Title 40, Chapter 20, Article 1, Code of Alabama 1975, as amended, providing for the levy of a privilege tax on the production of oil and gas; and to specifically repeal Act No. 870, H. 1517, Regular Session 1975 (Acts 1975,

p. 1714), providing further for the disposition and use of a certain portion of the funds received by Mobile County from an oil and gas severance tax, and all other laws or parts of laws in conflict herewith.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 182, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Mathis:

H. 183. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1986, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Committee on Ways and Means.

By Reps. Harper and Marietta (With Notice and Proof):

H. 184. Relating to Mobile County; exempting all real and personal property owned and used as community centers, ball parks and recreational facilities by nonprofit businesses and corporations from all county ad valorem taxation.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 184, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Harper and Marietta (With Notice and Proof):

H. 185. To amend Section 1 of Act No. 319, H. 593, of the 1976 Regular Session (Acts 1976, p. 353), which provided for a mosquito, rodent and other vector control ad valorem tax in Mobile County, so as to provide further for certain exemptions from such tax.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 185, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harper:

H. 186. Proposing an amendment to Article IV, Section 106 of the Constitution of Alabama of 1901, amending the requirements for publishing or posting notice of intent to introduce a special, private or local bill.

Committee on Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Reps. Harper and Kvalheim (With Notice and Proof):

H. 187. To prohibit the use of red clay or similar type soils on the beaches of Dauphin Island in Mobile County and to prescribe certain penalties.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 187, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harper (With Notice and Proof):

H. 188. Relating to the Mobile County Solid Waste Management Program and the residence, appointment and number of the Solid Waste Management Advisory Board; amending Section III of Act No. 81-450, H. 825, of the 1981 Regular Session (Acts 1981, p. 773) therefor; making the provisions retroactive to any term effective after January 20, 1985.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 188, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harper (With Notice and Proof):

H. 189. Relating to Mobile County; providing that any political subdivision or agency of such subdivision within the county shall solicit competitive bids when leasing any warehouse, storage, shop, office space or land from or to any individual, association, corporation, partnership or other business entity and prescribing certain bid procedures.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 189, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harper (With Notice and Proof):

H. 190. Relating to Mobile County; requiring the county governing body to pay from the county general fund, or any fund designated for roads and bridges, the expense of relocating certain water pipes and lines, owned by rural water or municipal water systems when outside of the municipalities' police jurisdiction, as a result of certain public roads maintenance, construction, bridge repair or replacement; and repealing conflicting laws.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 190, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Harper and Marietta (With Notice and Proof):

H. 191. Relating to Mobile County; to provide that whenever Mobile County, or any agency of the county, is a party to any real estate transaction, the names of all the other parties and shares, if a corporate entity, must be placed in the minutes of the county commission's meetings thirty days prior to the date of the transaction.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 191, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Gaston, Marietta, Zoghby, Harper, Box, Kvalheim, Turner, Kennedy, and Clark (W) (With Notice and Proof):

H. 192. Relating to Mobile County; to require all polling places to remain open between the hours of 7:00 A.M. and 6:00 P.M. at all state and local elections held in the county.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 192, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Trammell:

H. 193. To amend Section 25-5-59, Code of Alabama 1975, which provides for a waiting period for workmen's compensation purposes, so as to increase the percentage for unpaid compensation payments.

Committee on Ways and Means.

By Reps. White (L), Beasley, Butler, Mikell, and Johnson (RG):

H. 194. To amend Sections 34-23-30, 34-23-32, 34-23-50, and 34-23-52, Code of Alabama 1975, which provide license fees established by the board of pharmacy, so as to provide further for said fees.

Committee on Health.

By Reps. White (L), Butler, Mikell, and Johnson (RG):

H. 195. To amend Code Section 22-6-4.2 of the Code of Alabama 1975, relating to copayment for prescription drugs, so as to conform state law to the requirements of the medicaid provisions of Public Law 97-248, enacted by the 97th Congress of the United States of America and known as the Tax Equity and Fiscal Responsibility Act of 1982.

Committee on Health.

By Reps. White (L), Beasley, Butler, Mikell, and Johnson (RG):

H. 196. To amend the Code of Alabama 1975, Section 34-23-94, relating to regulating appeals from decisions of the Alabama State Board of Pharmacy,

so as to delete the requirement for de novo appeals and to substitute therefor appeals on the record in accordance with the Alabama Administrative Procedure Act.

Committee on Health.

By Reps. Coleman, Hettinger, Hooper, Flowers, Newman, Brooks, Blake, Butler, Junkins, Burke, Lindsey, and Carter:

H. 197. To amend Section 32-6-231, Code of Alabama 1975, relating to distinctive license plate decals and identification placards issued to handicapped persons for use in reserved parking spaces, so as to provide that any such individual may purchase two of such decals and placards and to provide that said decals and placards may be acquired by a handicapped person for certain business motor vehicles.

Committee on Health.

By Reps. Coleman, Newman, Blake, Junkins, White (L), Burke, Hall, and Lindsey:

H. 198. To amend section 38-2-6.1, Code of Alabama 1975, which provides for the office of state parent locator, so as to provide the office with the authority to locate parents, putative parents, or children in cases of parental kidnapping or child custody disputes and providing that location information may be obtained from the Department of Revenue and private employers.

Committee on Public Welfare.

By Reps. Coleman, Newman, Junkins, White (L), Burke, Hall, and Lindsey:

H. 199. To provide for an assignment to the Department of Pensions and Security of the right to any support owed to or for a child in the custody of the department and receiving foster care or receiving foster care maintenance payments; to authorize the department to bring actions to establish or enforce a support obligation; to provide that a support obligation may be ordered at the time custody is granted to the department; and to provide that the department may collect and distribute support.

Committee on Judiciary.

By Reps. Coleman, Newman, and Junkins:

H. 200. To amend Section 36-30-2 of the Code of Alabama 1975, relating to compensation for death of peace officers, firemen and volunteer firemen, so as to provide further for compensation for certain disabled volunteer firemen and to provide for retroactive effect to November 1, 1983.

Committee on Ways and Means.

By Reps. Coleman, Hooper, Flowers, Newman, Brooks, Butler, Burke, and Lindsey:

H. 201. To amend section 17-6-13 of the Code of Alabama 1975, relating to compensation of election officers, so as to increase the returning officer's compensation.

Committee on Ways and Means.

By Reps. Coleman, Brooks, Newman, Blake, Butler, Junkins, and Burke:

H. 202. Amending Sections 16-36-7 and 16-36-27 of the Code of Alabama, 1975, so as to allow State adoption and purchase of educational materials for children enrolled in the public kindergartens of the State.

Committee on Ways and Means.

By Rep. Coleman:

H. 203. To amend Sections 16-25-1 and 16-25-19, Code of Alabama, 1975, so as to expand the board of control of the Teachers' Retirement System from 11 to 13 members and to specify that such additional member shall be from the ranks of educational support personnel and defines the term "support personnel."

Committee on Education.

By Reps. Coleman, Newman, Junkins, Burke, and Lindsey:

H. 204. To amend Section 36-7-40 of the Code of Alabama 1975 so as to further provide for the reimbursement of state employees for moving expenses.

Committee on Ways and Means.

By Reps. Coleman, Newman, Blake, Junkins, Burke, and Lindsey:

H. 205. To amend Sections 16-25-14 and 36-27-16, Code of Alabama 1975, relating to teachers' and employees' retirement systems, so as to provide for the choice between a lump sum death benefit and a monthly survivor allowance on account of the death of a member of the teachers' or employees' retirement system who is eligible for service retirement at the time of the death of said member.

Committee on Education.

By Reps. Carothers, Mathis, and Beasley:

H. 206. To provide for the filing for record and the preservation of all orders and judgments made and entered by any judge of the circuit court of the 20th Judicial Circuit of Alabama, and to provide that such judgments or orders shall have the same force and effect as minutes of the circuit court of said circuit prior to the passage and approval of this act.

Committee on Judiciary.

By Reps. Carothers, Johnson (RG), Sasser, Biddle, Clark (J), Butler, Johnson (Roy), Seibels, White (L), and Mikell:

H. 207. To amend Section 22-6-8 of the Code of Alabama 1975, relating to medicaid benefits, so as to provide further for the authority of the Alabama Medicaid Agency relative to suspension, revocation and reinstatement of recipient's benefits.

Committee on Health.

By Rep. Buskey (James) (With Notice and Proof):

H. 208. Relating to the City of Mobile; amending Section 22 of Act No. 243, H. 278, 1964 First Special Session (Acts 1964, p. 326), relating to

the pension and relief system for police and fire department members, so as to allow any member of the system to withdraw from participation at any time.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 208, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Mikell:

H. 209. To grant authority to the Commissioner of Medicaid to file liens for Medicaid benefits pursuant to the Tax Equity and Fiscal Responsibility Act of 1982, and to provide for their enforcement.

Committee on Judiciary.

By Rep. Buskey (James) (With Notice and Proof):

H. 210. Relating to the City of Prichard in Mobile County, Alabama; prescribing procedure for filling a vacancy in the office of mayor in such city.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 210, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Buskey (James) (With Notice and Proof):

H. 211. To provide for an adjustment in certain benefits paid under the pension and relief system for policemen and firemen of the City of Mobile to retired members of such system who retired after October 1, 1977, and before May 4, 1978.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 211, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Buskey (James) (With Notice and Proof):

H. 212. Relating to Mobile County; prescribing procedure for filling certain vacancies on the county commission.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 212, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Bugg, Grayson, Parker, Newman, Coleman, Junkins, Holley, Davis, Escott, Tanner, Mikell, Ford, Carothers, and Turnham:

H. 213. To amend Section 16-36-2, Code of Alabama, 1975, so as to provide for increased classroom teacher representation on the State Textbook Committee.

Committee on Education.

By Rep. Martin:

H. 214. To amend Section 11-43-40, Code of Alabama 1975, relating to the composition of city councils in cities having a population of 12,000 or more so as to provide for a procedure to establish a council of not less than four nor more than seven aldermen to be elected from districts and a council president to be elected at large.

Committee on Local Government.

By Rep. Martin:

H. 215. To amend Sections 11-51-120, 11-51-121, and 11-51-122, Code of Alabama 1975, so as to clarify and further define the authority of municipalities to levy licenses on insurance companies doing business in such municipalities.

Committee on Local Government.

By Rep. Martin:

H. 216. To provide an additional alternative procedure whereby incorporated municipalities in Classes 4, 5, 6, 7 and 8 of this state may alter their corporate limits to incorporate into their boundaries certain contiguous unincorporated territory upon petition of certain majority landowners of the area sought to be annexed; to require the furnishing of certain municipal services as a condition to assessing ad valorem taxation in the annexed area.

Committee on Local Government.

By Rep. Martin:

H. 217. Incorporated municipalities shall be authorized to annex territory which lies and is located in, and which is presently within the corporate limits of such municipality and has been so enclosed for a period of five years or more; prescribing procedures for the annexation of such territory; prescribing procedures for municipal ad valorem taxation of such territory.

Committee on Local Government.

By Reps. Martin, Newman, Boles, and Bowling:

H. 218. To require that teachers receive salary increases due to securing advanced degrees and certification after completion of the requirements.

Committee on Ways and Means.

By Reps. Martin, Boles, and Bowling:

H. 219. To require local school boards, the Alabama Institute for Deaf and Blind, and two-year educational institutions to provide pay and release time to professionally certificated employees to fulfill the requirements of the State Board of Education's professional development program.

Committee on Education.

By Reps. Box and Marietta:

H. 220. To amend Section 12-21-109, Code of Alabama 1975, relating to the effect of written receipts, releases and discharges so as to clarify the inclusion of judgments entered pursuant to pro tanto settlements.

Committee on Judiciary.

By Rep. Laird;

H. 221. To permit small businesses and individuals to recover the costs of defending against a state agency when they prevail in court upon appeal.

Committee on Small Business.

By Reps. Hettinger, Turnham, Biddle, Boles, Butler, Marietta, Box, Zoghby, Gaston, Harper, Johnson (Roy), Penry, Britnell, Seibels, Martin, Reed, and Bowling:

H. 222. To create the Commission on Engineering Education; to provide for the appointment, terms, powers and duties of its members; to provide for the purpose of the commission; to prescribe that recommendations shall be made to the Legislature; to prescribe that members shall not receive any compensation but shall be reimbursed certain actual and necessary expenses incident to their official business; to make an appropriation from the special educational trust fund for the current fiscal year and each fiscal year thereafter; and to provide for the conduct of the affairs of the commission.

Committee on Ways and Means.

By Reps. Hettinger, Butler, Trammell, Buskey (John), Clark (J), Blake, Richardson, White (L), Escott, Starr, Smith, Campbell, Burke, Blakeney, Marietta, Beasley, Flowers, Coleman, Martin, Newman, Starkey, Seibels, Laird, Boles, Brooks, Box, Hooper, Gaston, Harper, Cosby, Britnell, Lindsey, Bowling, Hall, Zoghby, and Penry:

H. 223. To exempt all person employed in public, private, and church schools from liability for certain communications to the parents of a minor child, law enforcement officers or health care providers concerning the suspected use, possession, sale or furnishing of any controlled substance by any minor child.

Committee on Judiciary.

By Rep. White (F):

H. 224. To amend Section 36-21-2 of the Code of Alabama 1975 which provides a subsistence allowance for certain state law enforcement officers so as to provide that law enforcement officers with the department of corrections shall receive said subsistence allowance.

Committee on Ways and Means.

By Rep. Adams:

H. 225. To amend Section 16-13-58, Code of Alabama 1975, which provides for the State Board of Education to determine the amount of funds needed by each county and city from the Minimum Program Fund, so as to provide that the full cost of the Minimum Program be paid.

Committee on Ways and Means.

By Rep. Adams:

H. 226. To amend Section 2 of Act No. 82-620, S. 109, Regular Session 1982, now appearing as Section 40-6A-2, Code of Alabama 1975, which is related to the compensation of the tax assessors, tax collectors, revenue commissioners, license commissioners or other persons charged with assessing and collecting ad valorem taxes in the various counties of this State so as to provide further for the method of payment of salaries established in said Act and to provide an effective date.

Committee on Ways and Means.

By Reps. Adams, Venable, Johnson (RG), and Laird:

H. 227. To exempt The Prisoners of War Thrift Shops from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Reps. Adams, Venable, Johnson (RG), and Laird:

H. 228. To exempt certain income of former Prisoners of War from the imposition of state, county or municipal income taxation and to provide for an effective date.

Committee on Ways and Means.

By Reps. Adams, Venable, Johnson (RG), and Laird:

H. 229. To amend Section 32-6-254, Code of Alabama 1975, which provides for the use and transferability of distinctive license plates for former prisoners of war, so as to allow the widows of such persons to be entitled to retain said plates.

Committee on Ways and Means.

By Reps. Adams, Venable, Johnson (RG), and Laird:

H. 230. To exempt certain income of former Prisoners of War from the imposition of state, county or municipal income taxation and to provide for an effective date.

Committee on Ways and Means.

By Reps. Adams, Venable, Johnson (RG), and Laird:

H. 231. To amend Section 32-6-250, Code of Alabama 1975, which provides for distinctive license plates for former prisoners of war, so as to further provide for said license plates.

Committee on Ways and Means.

By Rep. Adams:

H. 232. To amend Section 40-17-31 (a) and Section 40-17-171, Code of Alabama, 1975 to provide that purchases of gasoline and lubricating oil by city and county boards of education, the Alabama Institute for Deaf and Blind, and Department of Youth Services School District shall be exempt from taxation under the levy provided for in § 40-17-31 (a) and § 40-17-171, Code of Alabama, 1975.

Committee on Ways and Means.

By Rep. Rogers (With Notice and Proof):

H. 233. To alter and rearrange the boundaries of the City of Fultondale, Alabama, to include within the corporate limits of such city certain described territory, and only the territory within the rearranged boundary described.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 233, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Rogers (With Notice and Proof):

H. 234. To alter and rearrange the boundaries of the City of Gardendale, Alabama, to include within the corporate limits of such city certain described territory, and only the territory within the rearranged boundary described.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 234, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Rogers (With Notice and Proof):

H. 235. To alter and rearrange the boundaries of the City of Birmingham to include within the corporate limits thereof, all territory now within such corporate limits thereof and also certain additional territory described by metes and bounds.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 235, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Gaston and Kvalheim:

H. 236. To amend Section 25-4-78, Code of Alabama 1975, as last amended, relating to unemployment compensation, so as to provide that anyone who fails to tell the truth about a previous conviction of a crime on a written employment application, upon discharge, shall not be entitled to unemployment compensation benefits for the period of time he was employed by an employer to whom such erroneous application was submitted.

Committee on Judiciary.

By Reps. Gaston and Harper:

H. 237. To amend Section 40-12-240 of the Code of Alabama 1975, relating to motor vehicle licenses, so as to further define the term "private passenger automobile."

Committee on Ways and Means.

By Reps. Gaston and Kvalheim:

H. 238. To amend Sections 32-6-231, 32-6-232 and 32-6-233, Code of Alabama 1975, so as to provide for distinctive license plates for certain handicapped persons in lieu of decals.

Committee on Ways and Means.

By Reps. Gaston and Kvalheim:

H. 239. To amend sections 17-22-8, 17-22-9 and 17-22-10, Code of Alabama 1975, relating to reporting of contributions and expenditures of political candidates' committees, so as to require all contributions to be made to the committees, to require all committees to report and to require committees of candidates for legislative and statewide offices to file certain additional statements.

Committee on State Administration.

By Reps. Gaston and Kvalheim:

H. 240. To amend Section 13A-7-29, Code of Alabama 1975, relating to criminal littering, so as to increase the penalties for committing said offense.

Committee on Judiciary.

By Reps. Kvalheim and Gaston:

H. 241. To propose an Amendment to the Constitution of Alabama to provide that the people may propose the repeal and enactment of laws by an initiative referendum.

Committee on Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Reps. Gaston and Kvalheim:

H. 242. To amend Section 13A-9-13.1 of the Criminal Code of Alabama, which relates to the crime of negotiating worthless negotiable instruments, so as to include the presentation or negotiation of a worthless negotiable instrument for the payment or repayment of a valid indebtedness as a crime under said section.

Committee on Banking.

By Reps. Gaston and Kvalheim:

H. 243. To amend Section 17-4-134, Code of Alabama 1975, relating to voter registration, so as to allow the board of registrars to accept, as an application for absentee registration by members of the armed services or their dependents, Department of Defense Post Card Application for Registration and Absentee Ballot.

Committee on Constitution and Elections.

By Reps. Gaston and Kvalheim:

H. 244. Proposing an amendment to the Constitution of Alabama relative to the power of recall.

Committee on Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Reps. Gaston and Kvalheim:

H. 245. To amend Sections 9-11-55 and 9-11-56, Code of Alabama 1975, as last amended, which provide for nonresident annual and trip fishing licenses, so as to increase certain license and issuance fees for said licenses, and to further provide for the distribution of said fees.

Committee on Natural Resources.

By Rep. Fuller:

H. 246. To bring bonding requirements of license commissioners, revenue commissioners, or others of similar title, who determine or collect taxes or revenues, in line with those of tax collectors as required by Section 40-5-3, Code of Alabama 1975.

Committee on State Administration.

By Rep. Fuller:

H. 247. To amend Section 12-13-33, Code of Alabama 1975, so as to provide for an increase in the amount of the bond of probate judges.

Committee on State Administration.

By Rep. Fuller:

H. 248. To provide a test for determining whether a person is not guilty by reason of insanity; to establish that a defendant has the burden of proving insanity; to amend Code of Alabama 1975, Section 13A-3-1; to specify the conduct to which this act applies; and to provide for an effective date.

Committee on Judiciary.

By Rep. Fuller:

H. 249. To amend Section 15-19-1, Code of Alabama 1975 which relates to crimes committed by a minor, so as to provide that a person charged with the crimes of murder, rape in the first degree, sodomy in the first degree, robbery in the first and second degree, kidnapping in the first and second degree, and trafficking in illegal drugs is not eligible to be tried as a youthful offender.

Committee on Judiciary.

By Rep. Cosby:

H. 250. To amend Section 35-5-8, Code of Alabama 1975, which provides for resignation, death or removal of custodians for purposes of the Uniform Gifts to Minors Act, so as to provide further for removal of custodians who are not in legal custody of the minor.

Committee on Judiciary.

By Rep. Cosby:

H. 251. To amend Section 16-25A-9, Code of Alabama 1975, relating to public education employees' health insurance, so as to allow a retired

employee who is covered under another group health insurance plan to receive additional retirement benefits in the amount which the state would pay as partial payment of the insurance premium for coverage under the public education employees' health insurance plan.

Committee on Ways and Means.

By Reps. Cosby, Thomas, and Bryant:

H. 252. To protect, preserve, maintain, and enhance the scenic, recreational, and other qualities of the Cahaba River by reinforcing existing surface mining laws, solid waste laws, water pollution laws, and water quality standards in and near the river; to regulate certain alterations and impoundments of the river; to establish a management corridor along the river within which the building or establishment of transportation facilities and other man-made structures and the harvesting of timber may be performed as approved by the Commissioner of Conservation and Natural Resources; and to prescribe remedies and penalties for violation of the act.

Committee on State Administration.

By Rep. Zoghby:

H. 253. To create the Alabama Youth Civilian Conservation Work Program Act and provide for its operation; to provide for the commissioner of the department of conservation and natural resources to appoint the director and to prescribe their powers, authority, responsibilities and duties; to provide for the age and criteria of youth to be employed in the program and areas for civilian conservation centers for youth; to prescribe the compensation and manner of payment and to allow the collection of room and board costs; to prescribe the fields of work within the department and its divisions; to limit the time of participation; to establish the Civilian Conservation Advisory Council and the appointment, duties, powers, meetings and compensation of the members; to authorize appointments to the council from the adjutant general, the commissioner of the department of conservation and natural resources, public safety, agriculture and industries, the state superintendent of education and the department of youth services, the governor, the lieutenant governor and the speaker of the house of representatives; to prescribe criminal penalties for the solicitation of funds or services in behalf of political candidates or otherwise abusing the trust of public office; to establish a pilot program; to make appropriations from the general fund of the state government; to provide for participation by local governments and volunteers in the program; to prescribe certification or academic credit for training skills and competencies developed; to provide for evaluation of the program and enrollees; to prescribe that no current employee of the department shall be displaced, reassigned or unemployed as a result of this act; and to limit the administrative costs.

Committee on Ways and Means.

By Reps. Zoghby, Blake, Gaston, Marietta, Harper, and Kvalheim:

H. 254. To prescribe the conditions under which an unconvicted prisoner charged with a misdemeanor or felony, while awaiting trial and confined to any county jail, may perform voluntary work upon certain authorized public works; to require approval by the county governing body; and to prescribe that certain payments must be made to such person if the person is not convicted and that certain records shall be maintained.

Committee on Judiciary.

By Reps. Zoghby, Turner, and Clark (J):

H. 255. To amend Section 40-18-29, Code of Alabama 1975, which provides for fiduciaries making tax returns for taxpayers for whom they are acting, so as to increase the annual exclusion of taxpayers age 65 and older; and to provide for a termination date.

Committee on Ways and Means.

By Reps. Zoghby, Turner, and Clark (J):

H. 256. To amend Section 40-18-27, Code of Alabama 1975, which requires all tax payers with certain yearly net incomes to file annual state tax returns, so as to raise the net income exclusion for individual tax payers age 65 years and older; and to provide a termination date.

Committee on Ways and Means.

By Reps. Zoghby, Turner, and Clark (J):

H. 257. To further amend Section 40-18-19, Code of Alabama 1975, as last amended, which provides for certain exemptions from income taxation allowed to taxpayers, so as to increase the personal exemption allowed for persons age 65 and older; to make the provisions retroactive to the calendar year; and to provide for a termination date.

Committee on Ways and Means.

By Rep. Zoghby:

H. 258. Proposing an amendment to Amendment 341 to amendment of Section 106, Constitution of 1901, relating to publication and notice of intent to apply for local legislation affecting counties and municipalities.

Committee on State Administration.

The above bill was read a first time at length as required by the Constitution.

By Rep. Zoghby:

H. 259. To authorize the establishment of "enterprise zones," pursuant to federal tax and other incentives in order to promote job creation and economic development; to fix the duties and authority of the Alabama Development Office and the local governing bodies; to fix the requirements for participation; to provide for state and local tax and other incentives; to provide with respect to financing, and otherwise to provide with respect thereto, for financial assistance to municipalities and individuals and businesses under any act of the Congress of the United States heretofore or hereafter enacted.

Committee on Ways and Means.

By Reps. Zoghby, Turner, Box, Marietta, Gaston, Harper, Kennedy, Buskey (James), Clark (W), and Kvalheim (With Notice and Proof):

H. 260. Relating to Mobile County; providing that any local bill advertised in Mobile County, amending an existing statute, shall include striking the language to be deleted and underscoring the language to be inserted; and providing that any local bill amending an existing statute for Mobile County shall not be accepted for introduction in the Legislature unless it is advertised with the striking through and underscoring included.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 260, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Zoghby, Starr, Hettinger, Campbell, Harper, Gaston, Marietta, Cosby, Clark (J), Kvalheim, and Escott:

H. 261. To provide that the Superintendent may examine a bank every other year if he so desires.

Committee on Banking.

By Reps. Harper, Marietta, Penry, Kvalheim, Gaston, Kennedy, Box, Zoghby, and Clark (W):

H. 262. To make a conditional appropriation to the Louisiana, Mississippi, Alabama Rapid Rail Transit Commission, payable from the general or other fund of the state treasury, effective immediately.

Committee on Ways and Means.

By Rep. Harper:

H. 263. Relating to the wholesale tax on gasoline and lubricating oil levied by Section 40-17-174, Code of Alabama 1975, so as to exempt certain sales by marine fuel dealers to certain commercial vessels.

Committee on Ways and Means.

By Reps. Rogers, Newton, Davis, McNair, Perdue, and Campbell:

H. 264. To amend Section 36-27-16 of the Code of Alabama 1975, so as to provide for retirement of an employee covered under the state employees' retirement system upon the attainment of the age of 55 years and 25 or more years of creditable service and to provide for an appropriate reduction in retirement annuity for each year of service less than 30.

Committee on Ways and Means.

By Reps. Junkins and Moore:

H. 265. To require local boards of education and all public educational institutions to pay their personnel at least the hourly minimum wage as established by the United States Congress.

Committee on Ways and Means.

By Reps. Hooper, Onderdonk, Mikell, Butler, Marietta, Rice, McKee, Starr, White (F), Flowers, Buskey (John), Coleman, Warren, Hettinger, Gaston, Zoghby, Box, Turnham, Burke, Hall, Poole, Trammell, Rogers, Grouby, Seibels, Faulk, Brooks, Escott, Newman, Harper, Lindsey, Cosby, Tanner, Mathis, Smith, Martin, Adams, Laird, Bugg, McNair, Clark (W), Kvalheim, Fuller, Richardson, Starkey, Bowling, Blakeney, and Buskey (James):

H. 266. To require public officers and employees and certain other persons who have any financial interest in any hazardous waste disposal site in the state of Alabama to file an annual statement of such financial interest with the Secretary of State and to provide penalties for the noncompliance with this act.

Committee on Health.

By Reps. Hooper, Butler, Mikell, Marietta, McKee, Starr, Flowers, Buskey (John), Warren, Hettinger, Gaston, Zoghby, Turnham, Burke, Poole, Trammell, Rogers, Seibels, Escott, Faulk, Brooks, Newman, Harper, Lindsey, Onderdonk, Cosby, Clark (J), Tanner, Martin, Laird, Clark (W), Kvalheim, Richardson, Rice, Smith, McNair, Grouby, Fuller, White (F), Mathis, Bowling, and Blakeney:

H. 267. Requiring the state highway department to post signs along certain highways in this state urging motorists to turn their headlights when it is raining.

Committee on Ways and Means.

By Reps. Zoghby, Starr, Hettinger, Martin, Campbell, Coleman, Cosby, Clark (J), Seibels, Marietta, Harper, Kvalheim, Kennedy, Escott, McDowell, Davis, Rogers, Clark (W), Box, Brooks, White (L), Junkins, Bugg, White (G), Gaston, Adams, Bowling, Rice, and Butler:

H. 268. To amend Code of Alabama 1975, Section 5-5A-20, as previously amended relating to branch banking, so as to provide that automated teller machines, the establishment of which might otherwise be limited by law, shall not be subject to the restrictions imposed by Section 5-5A-20 or by any other provision of law restricting branch banking, so long as the use of the automated teller machine is offered for sharing with other banks, savings and loan associations or credit unions having their principal place of business in Alabama.

Committee on Banking.

By Rep. Hammett:

H. 269. To amend Section 30-1-7, Code of Alabama 1975, which provides for persons authorized to solemnize marriages, so as to include former judges of probate.

Committee on Judiciary.

By Rep. Hammett:

H. 270. Authorizing public utilities to terminate their services without certain obligation to reconnect when a subscriber is delinquent in paying a bill for such service.

Committee on Public Utilities and Transportation.

By Rep. Hammett:

H. 271. To prohibit certain activities related to the tampering with meters and other facilities of public utilities furnishing gas, electricity or water; to provide civil remedies; to provide felony criminal punishment for violations; and to provide that the provisions of this act are cumulative to Section 13A-8-10, Code of Alabama 1975.

Committee on Judiciary.

By Rep. Hammett:

H. 272. To provide further for tax exemptions, to exempt the World Championship Domino Tournament of Andalusia, sponsored by the Andalusia Rotary Club, and the World Championship Rattlesnake Rodeo, Opp, Alabama, and sponsored by the Opp Jaycees, from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Rep. Coburn:

H. 273. To create and establish a state land resources information center within the Lands Division of the Department of Conservation and Natural Resources; to prescribe certain data and information to be compiled by such center; to provide for the administration of such center; to provide for the recording of conveyances relating to land purchased or sold by the State of Alabama or any of its agencies; to provide for certified copies of such conveyances to be made and transmitted to the Lands Division of the Department of Conservation and Natural Resources; to appropriate funds from the Lands Management Fund to implement the provisions of this Act; and to repeal Act No. 81-562, H. 409, 1981 Regular Session, (Acts 1981, p. 946).

Committee on Ways and Means.

By Reps. Brooks and Butler:

H. 274. Relating to certain common carriers and contract carriers by motor vehicle, and private carriers, of explosives, flammable liquids or hazardous wastes in this state; to prohibit the carrying of such substances unless certain decals, plates or placards are prominently displayed, and to prohibit such carriers of explosives, flammable liquids or hazardous wastes from speeding while carrying or transporting such substances; to provide definitions, and to provide additional penalties for violations of this act.

Committee on Judiciary.

By Reps. Kennedy, Zoghby, Box, Turner, Marietta, Harper, Penry, Clark (W), Gaston, Kvalheim, and Buskey (James):

H. 275. To provide for emergency call boxes on Interstate Highway 65 between Montgomery and Mobile and appropriates necessary funds.

Committee on Ways and Means.

By Reps. Kennedy, Clark (W), and Buskey (James):

H. 276. To amend Sections 3 and 4 of Act No. 84-288, S. 154, 1984 Regular Session (Acts 1984, p. 498), appearing as Sections 31-10-3 and 31-10-4 of the Code of Alabama 1975, relating to the Alabama National Guard Educational Assistance Act, so as to provide further for benefits and eligibility requirements.

Committee on Ways and Means.

By Reps. Rogers, Perdue, Davis, Newton, and McNair:

H. 277. Relating to transfers of real property in this state, to require that written evidences of valid title searches and insurance shall accompany each instrument which purports to convey title to real property, including instruments offered for recordation in the probate judge's office, effective January 1, 1986.

Committee on Judiciary.

By Rep. Smith:

H. 278. To provide that any local city or county board of education be allowed to shorten the minimum number of school days up to a maximum

of five days because schools were closed due to a natural disaster and to provide that no school shall lose any funds and that no teachers or employees shall lose any pay due to the provisions of this Act.

Committee on Education.

By Rep. Carothers:

H. 279. To amend Section 16-22-3, Code of Alabama 1975, requiring examination for tuberculosis of school personnel by deleting the specific tests and frequency and adding the determination of same to be by rule of state board of health.

Committee on Health.

By Rep. Carothers:

H. 280. To repeal Sections 22-30-5 and 22-30-7, Code of Alabama as amended, which provide for the dedication and acceptance of hazardous waste storage facilities and disposal sites.

To amend Sections 22-30-4 and 22-30-18, Code of Alabama 1975, as amended, so as to authorize the Alabama Department of Environmental Management to issue and serve subpoenas requiring persons to give testimony or produce papers, documents, records and tangible things and to enforce obedience to such subpoenas; to provide for monitoring of commercial disposal sites; to clarify the public availability and confidentiality of records and information obtained by the Alabama Department of Environmental Management; to permit the Alabama Department of Environmental Management to require monitoring and sampling; and to clarify provisions relating to disposal fees.

Committee on Health.

By Reps. Bachus, White (G), and Beers:

H. 281. Providing immunity from civil liability for certain law enforcement officers making arrests without warrants under the authority of Section 15-10-3(6) of the Code of Alabama 1975.

Committee on Judiciary.

By Reps. Bachus, White (G), Marietta, Zoghby, Tanner, Box, and Beers:

H. 282. To amend section 15-10-3 of the Code of Alabama 1975, relating to arrest without warrant, so as to provide further for situations and circumstances in which such arrests may be allowed.

Committee on Judiciary.

By Rep. Albright:

H. 283. To further provide for the sick leave benefits of state employees employed on a wage and hourly basis.

Committee on Ways and Means.

By Reps. White (G), Bachus, Zoghby, Davis, Biddle, Bowling, Box, Rice, Gaston, Grouby, Hammett, Adams, and Beers:

H. 284. To establish the "Alabama Youth Educational Guidance and Suicide Prevention Act," to prescribe that the department of education, the

rehabilitation and crippled children's service of said department, and the department of mental health shall administer the provisions of this act; to prescribe that the said departments, various law enforcement agencies, local community agencies, department of youth services, the department of mental health and local task forces and local school boards of education shall cooperate in providing a student services program and in the identification, intervention and prevention of youth suicide, including guidance and psychological services; to provide for certain training for holders of all classes of teachers' certificates whether provisional or otherwise; to provide for public awareness education; and to provide further for a student curriculum to include related training or courses in emotional guidance and suicide prevention.

Committee on Health.

By Reps. White (G), Bowling, Rice, Gaston, Grouby, Hammett, Adams, Bachus, and Beers:

H. 285. To establish penalties for certain criminal activities in respect to computers.

Committee on Judiciary.

By Reps. White (G), Grouby, Bachus, and Beers:

H. 286. To require that every deed related to real property conveyances of any nature whatsoever shall be recorded in the office of the judge of probate in the county in which such property is situate; to prescribe that certain names and addresses shall be included in legible form or shall be refused for purposes of recording; to levy a fine for violations of the provisions of this act and to provide for its collection and distribution; to repeal conflicting laws.

Committee on Judiciary.

By Rep. Smith:

H. 287. To exempt all persons employed in public schools from liability for certain communications concerning the suspected use, possession, sale or furnishing of any controlled substance by any student, to the student's parents, law enforcement officers or health care providers.

Committee on Health.

By Reps. Onderdonk, Turner, Newman, Blakeney, Marietta, Harper, and Hooper:

H. 288. To amend Sections 40-20-1 and 40-20-2 of the Code of Alabama 1975, relating to the levy of privilege taxes on the production of oil and gas, so as to provide that a definition for the term "qualified enhanced recovery project"; and to provide a three percent privilege tax on oil and gas produced from a pool which is the subject of such qualified enhanced recovery project.

Committee on Ways and Means.

By Rep. Onderdonk:

H. 289. To amend Section 9-17-24 of the Code of Alabama 1975, as amended, so as to provide for the collection of fees from applicants for Natural Gas Policy Act of 1978 (NGPA) determinations, such fees to be based on the reasonable anticipated cost to the State Oil and Gas Board

for the examination and processing of applications; to provide for the deposit of the application fees for NGPA determinations into a fund known as the Alabama State Oil and Gas Board Special Fund; and to appropriate all moneys deposited in the Alabama State Oil and Gas Board Special Fund for use by the State Oil and Gas Board.

Committee on Ways and Means.

By Rep. Onderdonk:

H. 290. Relating to the regulation of the production of oil and gas in this State; to amend Sections 9-17-1 and 40-20-1, Code of Alabama 1975, to define oil and gas terms; to amend Section 9-17-6, Code of Alabama 1975, relating to the powers and duties of the State Oil and Gas Board; to amend Section 9-17-7, Code of Alabama 1975, to authorize the State Oil and Gas Board to delegate power and authority to a hearing officer; to amend Section 9-17-12 and Section 9-17-13, Code of Alabama 1975, to eliminate the requirement that the State Oil and Gas Board shall settle disputes relative to well costs; to amend Section 9-17-32, Code of Alabama 1975, to provide for fines for violations of the rules, regulations, or orders of the State Oil and Gas Board.

Committee on Natural Resources.

By Reps. Bowling and Drake:

H. 291. To provide that persons who taught at least two years in the public schools, who served ten or more years as a circuit clerk and who served at least one term in the legislature shall be allowed to make certain contributions into the state retirement systems and shall have such service time credited as state service toward their retirement.

Committee on Ways and Means.

By Rep. Laird (With Notice and Proof):

H. 292. Relating to Randolph County; providing for a referendum on the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; repealing conflicting laws; providing for filing by candidates for county revenue commissioner and an election therefor; and providing for its effectiveness.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 292, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Zoghby:

H. 293. To provide that certain industrial site preparation grants administered by the Alabama Development Office shall not be restricted to only those industries which are deemed to be manufacturers.

Committee on State Administration.

By Reps. Albright, Bugg, Zoghby, and Johnson (Roy):

H. 294. To prohibit discrimination in pay on the basis of sex by all colleges.

Committee on Education.

By Rep. Johnson (Roy):

H. 295. To provide longevity pay for certain employees in the classified service of the state; to prescribe the amount of such pay and the manner of its payment; and to appropriate funds for the purposes of the act.

Committee on Ways and Means.

By Rep. Johnson (Roy):

H. 296. To further provide for payroll deductions for state employees.

Committee on State Administration.

By Reps. Johnson (Roy) and Coleman:

H. 297. To amend subsection (a)(3) of Section 16-25-14, Code of Alabama 1975, relating to mandatory retirement of teachers to provide that a teacher may be continued in service from year to year past the age of 70 years upon his application and approval by his employer if evidence of physical and mental fitness is furnished.

Committee on Ways and Means.

By Rep. Johnson (Roy):

H. 298. To amend Section 40-21-103, Code of Alabama 1975, which provides for the exclusions from the state utility service use tax under certain circumstances, so as to exclude city and county boards of education from the payment of said tax.

WHEREAS, city and county boards of education must pay a 4% utility service use tax; and

WHEREAS, the proceeds from this tax, after the payment of the expenses of administration and enforcement of the said tax, are returned to the public system; and

WHEREAS, the expenses of administering and enforcing the tax are considerable; and

WHEREAS, with the passage of this act, the expenses would be eliminated; now therefore

Committee on Ways and Means.

By Rep. Johnson (Roy):

H. 299. To follow Section 9-17-10 of the Code of Alabama 1975, as amended, which pertains to the employment of personnel by the State Oil and Gas Board. To permit the employees of the State Oil and Gas Board to teach courses which are related to the study of geology at the state's colleges and universities. To regulate the time during which such teaching

shall be permitted and to provide compensation shall be for same. To provide from what funds such compensation shall be paid and the conditions under which it shall be paid. To provide an effective date for this act.

Committee on State Administration.

By Rep. Johnson (Roy):

H. 300. Relating to the provision of home health, private duty, temporary staffing and hospice services in Alabama; providing for licensing of these services; empowering the state board of health to grant and revoke such licenses; establishing a standards board to promulgate the minimum rules and regulations to ensure the quality of health care provided to the recipients of these services, and provides for an annual licensing fee to carry out the licensure provisions of this act; and prescribing criminal penalties for violating certain provisions of this act.

Committee on Health.

By Rep. Johnson (Roy):

H. 301. To amend Section 17-16-6, Code of Alabama 1975, which relates to the time and place for holding primary elections, except special primary elections and presidential preference primaries, so as to provide that primary elections shall be held on the first Tuesday in June, and a runoff election, if necessary, shall be held on the fourth Tuesday thereafter, effective June 3, 1986, and thereafter.

Committee on Ways and Means.

By Rep. Johnson (Roy):

H. 302. To amend Sections 32-6-250 and 32-6-254, Code of Alabama 1975, which provide for the use and transferability of distinctive license plates for former prisoners of war, so as to allow the widows of such persons to be entitled to retain said plates.

Committee on Ways and Means.

By Rep. Johnson (Roy):

H. 303. To amend Section 11-3-4.1, Code of Alabama, 1975, as amended, which relates to commissioners' minimum compensation so as to further provide for such compensation.

Committee on Local Government.

By Rep. Johnson (Roy):

H. 304. To amend Section 6-8-64, Code of Alabama 1975, which relates to the cost of publishing legal advertising to allow weekly newspapers to charge their current published commercial classified advertising rate for legal notice advertising.

Committee on State Administration.

By Rep. Johnson (Roy):

H. 305. To amend Section 5-2A-1, Section 5-2A-7 and Section 5-2A-8, Code of Alabama 1975, which provide for duties of the Superintendent of Banks, to repeal Section 5-2A-120, Section 5-2A-121, Section 5-2A-122, Section 5-2A-123, Section 5-2A-124 and Section 5-2A-125 Code of Alabama

1975, which establish the Bureau of Credit Unions and to establish an Alabama Credit Union Administration.

Committee on Banking.

By Reps. Bachus, White (G), Marietta, Zoghby, Tanner, and Box:

H. 306. Providing immunity from civil liability for certain law enforcement officers making arrests without warrants under the authority of Section 15-10-3(6) of the Code of Alabama 1975.

Committee on Judiciary.

By Rep. Britnell:

H. 307. To amend Sections 40-18-15 and 40-18-35 of the Code of Alabama 1975, relating to state income tax deductions for individuals and corporations, so as to provide further for such deductions.

Committee on Ways and Means.

By Rep. Campbell:

H. 308. To amend Section 35-4-6, Code of Alabama 1975, which provides for recordation of leasehold estates for more than 20 years, so as to provide further for the recordation of said leases.

Committee on Judiciary.

By Reps. Hooper, Mikell, McKee, and Starr (With Notice and Proof):

H. 309. Relating to Montgomery County Commissioners; providing an expense allowance which shall be supplemental to any and all other compensation or mileage and payable from county funds.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 309, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Hooper, Starr, and McKee (With Notice and Proof):

H. 310. Relating to Montgomery County; authorizing the Montgomery County Commission to employ administrative assistants and to further prescribe the qualifications; and repealing Section 1 of Act No. 429, H. 934 of the Regular Session 1961 (Acts 1961, p. 466), providing for such authorization and qualifications.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 310, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Pratt (With Notice and Proof):

H. 311. A bill to supplement the salaries of the District Judges of the Tenth Judicial Circuit.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 311, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Parker:

H. 312. To establish certain regulations pertaining to educational personnel records.

Committee on Education.

By Rep. Parker:

H. 313. To amend Section 38-2-2 of the Code of Alabama 1975 relating to the state board of pensions and security so as to further provide for the election of two state employees to the board.

Committee on State Administration.

By Rep. Carter:

H. 314. To amend sections 8-17-210, 8-17-211, 8-17-217, 8-17-218, 8-17-221, 8-17-222, 8-17-224, 8-17-225 and 8-17-226, Code of Alabama 1975, which provide for the regulation of fireworks in Alabama, so as to revise the definition of "retailer" to include provisions for seasonal retailers; to revise the definition of "distributor" to include provisions for all persons making sales of fireworks for resale; to require all permits to be displayed; to require persons shipping fireworks within the state to apply for permits; to prohibit mail order sales of fireworks; to provide further for permit fees and the distribution of proceeds therefrom; to provide further for the prohibition of the sale of certain fireworks; to provide further for the display of fireworks; to prohibit sales of fireworks to persons under 16, and to provide for the sale of confiscated fireworks.

Committee on Judiciary.

By Rep. Carter (With Notice and Proof):

H. 315. Pertaining to Limestone County; for purposes of clarification to provide that all county commissioners of Limestone County shall devote their entire time to the performance of the duties of their offices.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 315, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Beasley, White (L), Laird, Johnson (RG), Mikell and Butler:

H. 316. To prohibit the dispensing of prescription drugs by persons who are neither licensed pharmacists nor medical practitioners.

Committee on Health.

By Reps. Beasley, White (L), Laird, Johnson (RG), Mikell, and Butler:

H. 317. To amend Section 34-23-2 of the Code of Alabama, 1975, relating to the practice of pharmacy in this State.

Committee on Health.

By Reps. Smith, Cosby, Newman, Blake, Butler, Rice, Hammett, Reed, Browder, Brakefield, Coleman, Burke, Richardson, Adams, and Clark (J):

H. 318. To amend Section 27-29-3, of the Code of Alabama 1975, which relates to the acquisition of control of, or merger with, domestic insurance companies in this state, so as to prevent the acquisition of control without the Insurance Commissioner's approval of an Alabama domiciled insurer through the purchase of said insurer's authorized but unissued voting stock.

Committee on Judiciary.

By Rep. Holley:

H. 319. Relating to the state board of education; to create nine (9) new districts for members of the board, beginning with the 1986 general election; to provide for the election of and terms of office of members of the board; to provide for a procedure for the redistricting of the board after each federal decennial census; and to specifically supersede and repeal Section 16-3-1, Code of Alabama 1975.

Committee on State Administration.

By Rep. Holley:

H. 320. To amend Sections 16-1-18, 16-8-25, 16-12-21, 16-22-9, and 21-1-21 Code of Alabama, 1975, as amended so as to increase the maximum number of possible accumulated sick leave days from 150 to 200 for educational personnel at the Alabama Institute for Deaf and Blind and in all public city and county school systems and allows governing boards to authorize vacations for 12 month employees.

Committee on Ways and Means.

By Rep. Mikell:

H. 321. This bill authorizes the Health Department to charge fees to reimburse the cost of laboratory analyses and services provided that are not otherwise specified for the Health Department to perform by law.

Committee on Health.

By Rep. McKee:

H. 322. To amend Section 9-13-63, Code of Alabama 1975, which provides for the maintaining of records of purchases of manufactured forest products, so as to increase the penalty for failure to maintain such records.

Committee on Agriculture and Forestry.

By Rep. Turnham:

H. 323. To amend Section 16-10-1, Code of Alabama 1975, so as to eliminate the requirement that local school trustees must be appointed by the county board of education.

Committee on Education.

By Reps. Marietta, Campbell, Rice, Hettinger, Onderdonk, Hooper, Britnell, Bachus, White (G), Flowers, Grouby, Fuller, Faulk, Thomas, Mathis, Clark (J), Carter, Beasley, Buskey (John), McKee, Box, Carothers, Starr, and Harper:

H. 324. Relating to all civil actions in tort, contract or otherwise against architects and engineers arising out of any defect or deficiency in the design,

planning, testing, supervision, management or observation of construction, or construction of an improvement on or to real estate; to provide a definite statute of limitations of three years after a cause of action accrues or arises in all such actions; to provide a bar to relief for all causes of action and to all rights of action which accrue more than seven years after the substantial completion of construction, or construction of an improvement on or to the real property; to provide when a cause of action accrues or arises; to provide that this Act applies to causes of action which have accrued prior to its effective date; to provide that this Act does not create any cause of action against such architects or engineers; to define terms; and to repeal all conflicting laws.

Committee on Judiciary.

By Rep. Turner:

H. 325. To amend Section 36-29-2, Code of Alabama 1975, which creates the state employees' insurance board, so as to provide further for membership on the board.

Committee on State Administration.

By Reps. Penry and Harper:

H. 326. To amend Sections 41-9-340, 41-9-343, 41-9-347 and 41-9-355, Code of Alabama 1975, relating to the USS Alabama Battleship Commission, so as to provide for the vacation of office by a member for failure to attend meetings, to increase the monetary limits for which a contract may be executed, to provide that said park shall honor all who participated in military defense of our nation and to forgive certain debts owed by the Commission to the Alabama State Docks.

Committee on Natural Resources.

By Reps. Coleman, Biddle, Blake, Butler, Blakeney, Hall, Clark (J), Richardson, Pratt, Newman, Bowling, Hooper, Burke, Rogers, Cosby, Zoghby, Brakefield, McKee, Grouby, Mathis, Harvey, Junkins, Marietta, Mikell, Bugg, Johnson (Roy), Starkey, Lauderdale, Drake, Escott, McDowell, and Boles:

H. 327. To amend sections 34-27-2 through 34-27-8, 34-27-10, 34-27-11, 34-27-30 through 34-27-38, 34-27-50 through 34-27-52, 34-27-57, 34-27-58, 34-27-60 through 34-27-64 and 34-27-66 through 34-27-68 of the Code of Alabama 1975, which relate to the regulation of real estate and time-sharing brokers, salesmen and transactions and to the real estate commission and its executive officers, so as to provide further for such regulation, for the duties of such executive officers and for penalties and to repeal section 34-27-9 relating to bonds of such executive officers.

Committee on State Administration.

By Reps. Venable, Campbell, Hammett, Grouby, Zoghby, Beasley, and Cosby:

H. 328. To propose an amendment to the Constitution of Alabama of 1901 to provide for the compensation of members of the legislature.

Committee on Judiciary.

The above bill was read a first time at length as required by the Constitution.

By Reps. Venable, Campbell, Hammett, Grouby, Zoghby, Beasley, and Cosby:

H. 329. To provide for the compensation of members of the legislature; to provide additional compensation to the president of the senate and the speaker of the house of representatives; to amend Section 36-7-20, Code of Alabama 1975, relating to the per diem allowance for state employees, so as to make such allowance applicable to officers and members of the legislature; to amend Section 29-1-9, Code of Alabama 1975, relating to the compensation of members of the legislature who serve on interim committees, so as to provide further for such compensation; and to specifically repeal Section 29-1-8, Code of Alabama 1975, and certain joint resolutions relating to legislative compensation.

Committee on Judiciary.

By Rep. Grayson:

H. 330. To repeal Sections 16-10-1, 16-10-2, 16-10-3, 16-10-4, 16-10-5, 16-10-7, 16-10-8, 16-10-9, 16-10-10, and 16-10-11, Code of Alabama, 1975, pertaining to county school trustees.

Committee on Education.

By Reps. Coburn, Moore, and Clark (J):

H. 331. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1986.

Committee on Ways and Means.

By Reps. Coburn, Moore, and Clark (J):

H. 332. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1986.

Committee on Ways and Means.

By Reps. Coburn, Moore, and Clark (J):

H. 333. To make appropriations for financial assistance to non-state agencies for the fiscal year ending September 30, 1986.

Committee on Ways and Means.

By Rep. Harvey (With Notice and Proof):

H. 334. Relating to Blount County; to provide that all county commissioners shall serve full time; providing for compensation; and providing for effective date.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 334, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

REGULAR SESSION
1st Day

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By Reps. Buskey (James), Buskey (John), Bryant, Holmes, Black, Thomas, McDowell, Davis, Perdue, Escott, Newton, and Rogers:

H. 335. To prohibit the Retirement Systems of Alabama from investing their monies or funds in certain business entities which do business in or with South Africa or Namibia.

Committee on Ways and Means.

By Rep. Buskey (James):

H. 336. To propose an amendment to the Constitution of Alabama that every elective public officer of the state of Alabama may be recalled from office at any time by the electors entitled to vote for a successor of such incumbent through the procedure and in the manner herein provided for, which procedure shall be known as the recall.

Committee on Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Rep. Buskey (James):

H. 337. To amend Sections 32-9-1 and 32-9-20, Code of Alabama 1975, relating to motor vehicle sizes and weights, so as to further regulate the sizes and weights of motor vehicles on highways in Alabama; to provide for compliance with federal laws regulating the same; and to further regulate exceptions and exemptions.

Committee on State Administration.

By Reps. Spratt, Trammell, Boles, Rogers, Perdue, Escott, Pratt, Buskey (James), and Newton:

H. 338. To provide that trains with twenty-five cars or more shall have a caboose as the last car and to require a conductor or brakeman in such caboose, with certain exceptions; and to provide for enforcement by the Public Service Commission and for penalties.

Committee on Public Utilities and Transportation.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Cosby, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 5. COMMENDING MR. ROY JOHNSON OF TUSCALOOSA AS LEGISLATOR OF THE YEAR.

WHEREAS, the Alabama Legislature notes with highest praise the selection, on December 7, 1984, of State Representative Roy Johnson of Tuscaloosa as Legislator of the Year; and

WHEREAS, it is to be noted that this prestigious designation, an award sponsored by the Alabama League of Savings Associations, was by vote of Mr. Johnson's peers; and

WHEREAS, Representative Johnson, Speaker Pro-Tempore of the House, has served in the legislature since 1974, and the dedication and effectiveness of his service is reflected in this honor bestowed by his colleagues who, through association, are most knowledgeable of Mr. Johnson's exceptional ability; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Representative Roy Johnson of Tuscaloosa as Legislator of the Year, 1984.

BE IT FURTHER RESOLVED, That our good friend, Roy Johnson, receive a copy of this resolution, tendered in friendship and warmest regard of his outstanding accomplishments.

On motion of Rep. Cosby, the rules were suspended and the resolution, H. J. R. 5, was adopted.

Also:

By Rep. Venable:

H. J. R. 6. COMMENDING MR. JOHN TEAGUE OF CHILDERSBURG AS LEGISLATOR OF THE YEAR.

WHEREAS, the Alabama Legislature notes with highest praise the selection, on December 7, 1984, of Senator John Teague of Childersburg as Legislator of the Year; and

WHEREAS, it is to be noted that this prestigious designation, an award sponsored by the Alabama League of Savings Associations, was by vote of Mr. Teague's peers; and

WHEREAS, Mr. Teague, President Pro-Tempore of the Senate, has served in the legislature since 1974, and the dedication and effectiveness of his service is reflected in this honor bestowed by his colleagues who, through association, are most knowledgeable of Mr. Teague's exceptional ability; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Senator John Teague of Childersburg as Legislator of the Year, 1984.

BE IT FURTHER RESOLVED, That our good friend, John Teague, receive a copy of this resolution, tendered in friendship and warmest regard of his outstanding accomplishments.

On motion of Rep. Venable, the rules were suspended and the resolution, H. J. R. 6, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Martin, Escott, McDowell, Rogers, Newton, Davis, Perdue, McNair, Buskey (John), Thomas, Black, Bryant, Buskey (James), Clark (W) and Reed:

H. R. 7. COMMENDING REYNOLDS FUNERAL HOME, INCORPORATED, OF DECATUR, ALABAMA.

Also:

The following resolutions were introduced:

By Rep. Richardson:

H. J. R. 8. CREATING A JOINT LEGISLATIVE COMMITTEE TO STUDY CERTAIN STATE OFFICIALS' AND ADMINISTRATORS' COMPENSATION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Legislative Salary Study Committee. Said committee shall be composed of three members of the House of Representatives and three members of the Senate to be appointed by the presiding officer of each respective house. The Committee shall select from among its number a chairman and shall meet at the call of its chairman.

The Committee shall study the compensation paid to all elected state officers. The Committee shall also study the compensation paid to the head administrators of any state agency and the effect of placing a cap on said compensation.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House of Representatives shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the Legislature not later than the 15th legislative day of the 1985 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee, which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the committee chairman. Provided, however, said members shall not receive any additional compensation on days that said members are already entitled to legislative compensation. Total expenditures for the legislative members of the committee shall not exceed \$5,000.

The resolution, H. J. R. 8, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Rains:

H. J. R. 9. CREATING A JOINT INTERIM COMMITTEE TO STUDY THE IMPACT OF IMPORTED TIRES IN THE STATE ON TIRE MANUFACTURERS IN ALABAMA.

WHEREAS, a surge in the sale of foreign manufactured automobile tires is prevalent; and

WHEREAS, such imported, foreign manufactured automobile tires produced by low cost labor may be supplanting products manufactured by Alabama workers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to study the impact of imported automobile tires in the state on tire manufacturers in the state and the effects on the economy of Alabama. The committee shall consist of three members from each house appointed by the respective presiding officers.

The committee shall select from among its members a chairman. The committee shall meet upon the call of its chairman. The committee is authorized to employ clerical help for the committee's business. The legislative members of the committee shall receive their regular legislative expenses, compensation and per diem for each day the committee meets unless the legislature is in session, provided the entire expenses of the committee shall not exceed \$5,000.00.

There is hereby appropriated from funds available to the legislature such amounts not to exceed \$5,000.00, as are necessary for the committee's use.

The resolution, H. J. R. 9, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Crow, Campbell and Browder:

H. R. 10. CONGRATULATING MRS. RHODA GOODE OF OHATCHEE, ALABAMA, ON THE OCCASION OF HER 100TH BIRTHDAY.

Also:

The following resolutions were introduced:

By Reps. Crow, Campbell and Browder:

H. J. R. 11. CONGRATULATING MRS. RHODA GOODE OF OHATCHEE, ALABAMA, ON THE OCCASION OF HER 100th BIRTHDAY.

WHEREAS, the Alabama Legislature notes with great pleasure the 100th birthday on February 13, 1985, of Mrs. Rhoda Goode of Ohatchee, Alabama; and

WHEREAS, Mrs. Goode, who was born February 13, 1885, is the widow of the late C. C. Goode whom she married in 1912; and

WHEREAS, she and her husband were the parents of twelve children; Mrs. Goode also is the stepmother of five, and is the matriarch of a family of more than 145 descendants; and

WHEREAS, a prominent member of the Ohatchee Community and of Calhoun County, Mrs. Rhoda Goode is the oldest living member of Oak Bowery Baptist Church which she joined 73 years ago; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Mrs. Rhoda Goode of Ohatchee, Alabama, on her 100th birthday, February 13, 1985, and direct that she receive a copy of this

resolution, tendered in sincere, warm praise and in expression of our best wishes for many more years of good health and happiness.

On motion of Rep. Crow, the rules were suspended and the resolution, H. J. R. 11, was adopted.

Also:

By Rep. Gaston:

H. J. R. 12. COMMENDING MISS SUSAN MUSCAT OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Alabama Legislature notes with highest commendation the outstanding achievement of Miss Susan Muscat of Mobile, Alabama; and

WHEREAS, Miss Muscat, an Honor Roll student at Mobile's McGill Toolen High School, is a two-year varsity cheerleader, a member for two years of the yearbook staff, serves as office assistant with the guidance department, and is a member of McGill Toolen Sweetheart Court; and

WHEREAS, Susan Muscat, who is the daughter of Mr. and Mrs. M. Kenny Muscat, is a member of Saint Ignatius Church where she is active with the Catholic Youth Organization and is a former C. Y. O. cheerleading sponsor; and

WHEREAS, she further is a past member of the Holmes Fashion Board and currently serves as a member of Mobile's famed Azalea Trail Court; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Susan Muscat of Mobile, Alabama, for outstanding academic achievement and community involvement.

BE IT FURTHER RESOLVED, That in small token of our sincere praise and regard, a copy of this resolution shall be forwarded to Miss Muscat.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 12, was adopted.

Also:

By Rep. Gaston:

H. J. R. 13. COMMENDING MRS. JOE PEARY OF MOBILE, PROMINENT ALABAMA EDUCATOR.

WHEREAS, the Legislature of Alabama notes with highest commendation the outstanding professional accomplishments of Mrs. Joe Peary, Assistant Superintendent for the General Services Division of the Mobile County Public School System; and

WHEREAS, Mrs. Peary, who is a graduate of the University of Alabama with the B. S. degree, holds the Master's degree from the University of South Alabama and also AA Certification from the University of Alabama; and

WHEREAS, in further distinction, Mrs. Peary was selected the Outstanding Graduate Student, 1984, in the Department of Educational Leadership at Auburn University where she was awarded the Ed.D. degree; and

WHEREAS, Mrs. Peary, a recipient of the prestigious M. O. Beale Scroll of Merit, was further recognized in 1977 as one of ten Outstanding Career Women in Mobile; she currently serves on the National Impact Committee of the National School Public Relations Committee, is past president of Gamma Nu Chapter of Delta Kappa Gamma and is a member of Trinity Episcopal Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Joe Peary of Mobile, Alabama, for outstanding professional achievement and for her numerous contributions to education.

BE IT FURTHER RESOLVED, That in deep gratitude for her service to the citizens of Alabama and in highest recognition of personal accomplishment, a copy of this resolution shall be forwarded to Mrs. Peary.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 13, was adopted.

Also:

By Reps. Gaston and Kvalheim:

H. J. R. 14. RECOGNIZING WILLIAM C. SCRUGGS, JUNIOR, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Legislature of Alabama notes with highest commendation the Mobile County Board of Realtors' selection of William C. Scruggs, Jr., as 1984 Realtor of the year; and

WHEREAS, Mr. Scruggs is a past president of the Mobile County Board of Realtors, past president and director of the Alabama Chapter of the Farm and Land Institute of the National Association of Realtors, and is a member of Omega Tau Rho Fraternity; and

WHEREAS, Mr. Scruggs, who holds more professional designations than any other Alabama realtor, also is our State's only realtor to achieve each of the professional designations offered by the Realtors National Marketing Institute; and

WHEREAS, he is a graduate of the Alabama Real Estate Institute; Accredited Member, Farm and Land Institute of NAR; he holds GRI and AFLM designations; and is a Certified Residential Specialist, Certified Residential Broker and a Certified Commercial Investment Member; and

WHEREAS, Mr. Scruggs is an active member and former Sunday School teacher at Spring Hill Baptist Church and serves his denomination as well as a member of the Annuity Board of the Southern Baptist Convention; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend heartiest congratulations to William C. Scruggs, Jr., as the Mobile County Board of Realtors' 1984 Realtor of the Year; we further commend Mr. Scruggs for outstanding professional achievement and direct that he be presented with a copy of this resolution.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 14, was adopted.

Also:

By Rep. Onderdonk:

H. J. R. 15. COMMENDING G. B. RIVERS OF CALVERT, WASHINGTON COUNTY, ALABAMA.

WHEREAS, the recent election of G. B. (Jack) Rivers to the Washington County Commission is of true historic significance in that Mr. Rivers is the first Indian ever to be elected to the post of county commissioner in the State of Alabama; and

WHEREAS, Mr. Rivers, who is a resident of Calvert, Alabama, a graduate of Reeds Chapel High School and an alumnus of the University of South Alabama, is a descendent of the native Choctaw Indian Tribes of Alabama and is a member of the MOWA Band of Choctaw Indians; he also is a past commissioner of the Tribal Council; and

WHEREAS, Mr. Rivers further, in keeping with a consuming interest in criminology—his course of study at USA—was formerly employed by the Washington County Sheriff's Department; he was the first Indian to hold such a position and also was the first deputy to be promoted to sergeant with the department; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend G. B. (Jack) Rivers of Calvert, Alabama, for outstanding accomplishment and direct that he receive a copy of this resolution, tendered in token of our sincere regard, and in expression of our congratulations on his recent election to the Washington County Commission.

On motion of Rep. Onderdonk, the rules were suspended and the resolution, H. J. R. 15, was adopted.

Also:

By Rep. Butler:

H. J. R. 16. COMMENDING THE BUTLER HIGH SCHOOL SOCCER TEAM FOR OUTSTANDING ACCOMPLISHMENT.

WHEREAS, Butler High School in Huntsville, Alabama, has achieved outstanding success with its soccer program and currently reigns as Dixie Conference Champions for 1984-85; and

WHEREAS, including this year's phenomenal 13-4-2 season, Butler High School boasts a three-year 30-12-7 record under Head Coach George Cavender who was a 4-year high school letterman and also lettered three years at Athens College; and

WHEREAS, other highlights of this past season include 2nd place in the Indian Springs and Bayside Invitationals as well as 2nd place and runner-up for the City Championship; and

WHEREAS, it is further to be noted, however, and with highest commendation, that the Butler High School Soccer Champs have been invited to participate in the London Cup Tournament in London, England, April 4 through 10, 1985; Butler High School is one of only 6 American teams to be tapped for the tournament and the only Alabama or Southeastern team included; and

WHEREAS, as a participant in this international athletic event, Butler High School will be representing, not only their school and community, but the State of Alabama and our nation as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly commend and congratulate the Butler High School Soccer Team and Coach George Cavender for outstanding accomplishment.

BE IT FURTHER RESOLVED, That in expression of pride in their role of good will ambassadors, copies of this resolution shall be forwarded to Butler High School, Huntsville, Alabama, for appropriate presentation and display.

On motion of Rep. Butler, the rules were suspended and the resolution, H. J. R. 16, was adopted.

Also:

By Rep. Butler:

H. J. R. 17. COMMENDING OLYMPIC BRONZE MEDALIST, WANDA JEWELL, OF HUNTSVILLE, ALABAMA.

WHEREAS, the Legislature of Alabama, on behalf of all citizens of the State of Alabama, expresses exultant and warm, personal pride in the accomplishments of Wanda Jewell in the Games of the XXIII Olympiad; and

WHEREAS, Wanda Jewell (Mrs. Max Oliver) captured the Bronze as a result of her participation in the Three Position Small Bore Rifle Competition on August 2, 1984, in Los Angeles, California; and

WHEREAS, Mrs. Jewell, who has been shooting for 14 years, has participated in championship competitions throughout the world, but in winning her Bronze Medal, joined a select circle of the world's most distinguished athletes; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in highest commendation and praise, we stand in tribute to Olympic Medalist Wanda Jewell of Huntsville, Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mrs. Jewell whose distinguished Olympic performance has brought great fame and honor to the State of Alabama.

On motion of Rep. Butler, the rules were suspended and the resolution, H. J. R. 17, was adopted.

Also:

By Rep. Coleman:

H. J. R. 18. COMMENDING THE ADVERTISER-GLEAM FOR OUTSTANDING SERVICE TO THE GUNTERSVILLE AREA.

WHEREAS, The Advertiser-Gleam has served the Guntersville, Alabama, area since its inception in 1880 as The Democrat, and through consolidation and publication, successively, under the banners Advertiser, Gleam, and its present masthead since 1948; and

WHEREAS, it is further worthy of note that now, with more than 100 years of continuous publication, The Advertiser-Gleam reigns as Marshall County's oldest business and one which has contributed significantly to the economy and prosperity of the area; and

WHEREAS, in addition to serving the interests of its subscribers, as well as the business community, The Advertiser-Gleam also holds an enviable record of community involvement, including the publication of public service items and news of interest in the areas of civic, charitable and religious affairs; and

WHEREAS, the Guntersville area of our state is indeed fortunate in its access to such responsible journalism as that provided by The Advertiser-Gleam and in the benefits reaped from the publication's contributions to the entire community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend The Advertiser-Gleam of Guntersville, Alabama, and direct that a copy of this resolution be forwarded to its publisher, Mr. Porter Harvey, on behalf of the paper's entire staff.

On motion of Rep. Coleman, the rules were suspended and the resolution, H. J. R. 18, was adopted.

Also:

By Rep. Campbell:

H. J. R. 19. SUSTAINING THE SUSPENSION OF AN ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD RULE DISAPPROVED BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW.

WHEREAS, the Joint Committee on Administrative Regulation Review met, studied the proposed rules of the Alabama Alcoholic Beverage Control Board and after consideration, disapproved and suspended the following proposed rule:

Proposed new Rule No. 20-X-6-.14, relating to limitations on happy hour and similar price reductions, copy of which is attached hereto, and which was published November 30, 1984, in Volume III, No. 2, of the "Alabama Administrative Monthly"; and

WHEREAS, pursuant to the Alabama Administrative Procedure Act, each member of both houses of the Legislature has considered said proposed rule; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the disapproval and suspension of the said Alabama Alcoholic Beverage Control Board's proposed rule by the Joint Committee on Administrative Regulation Review are hereby sustained.

The resolution, H. J. R. 19, was read and referred to the Standing Committee on Rules.

ALABAMA ALCOHOLIC BEVERAGE
CONTROL BOARDNotice of Intended Action

Rule Number 20-X-6-.14

Title of Rule: LIMITATIONS ON HAPPY HOUR AND SIMILAR PRICE
REDUCTIONS

The Alabama Alcoholic Beverage Control Board proposes to adopt new rule 20-X-6-.14 as follows:

20-X-6-.14 LIMITATIONS ON HAPPY HOUR AND SIMILAR PRICE
REDUCTIONS

(1) Pursuant to Board's responsibility to promote temperance, to suppress the evils of intemperance, and to regulate and control the manufacture, purchase, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking and use of alcoholic, vinous, malt and brewed beverages, it shall be unlawful for any licensee:

- (a) To service multiple drinks for a single price;
- (b) To establish a single retail price based upon the required purchase of two or more drinks;
- (c) To sell or otherwise furnish drinks after nine (9) P.M. at a price which is reduced from the usual, customary or established retail price charged for such drink.
- (d) To offer or serve free drinks or reduced price drinks to any specific segment of the population for any period of time.

(2) Nothing herein contained shall be construed to prohibit the dispensing of drinks in pitchers provided that such pitchers shall be available at all times that the licensee is open for business and the usual, customary or established retail price thereof shall not be reduced after nine (9) P.M.

(3) For the purposes of this regulation the term "drink" or "drinks" is defined to be any beverage containing any quantity of alcohol and "multiple drinks" is defined to be a serving which contains more than the normal quantity of alcohol for a regular drink as posted in accordance with Regulation 20-X-6-.04(3). The word "pitcher" is defined to be a container containing a minimum of sixty (60) ounces of drinks.

(4) This regulation shall not apply to pre-arranged private parties, functions, or events where the guests thereof are served in a room or rooms designated and used exclusively for said private parties, functions or events. Statutory Authority: Section 28-3-49, Code of Alabama, 1975.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Teague:

S. J. R. 1. COMMITTEE APPOINTED TO NOTIFY GOVERNOR
LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Senators Holmes, Strong, and Horn.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 1, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Teague:

S. J. R. 2. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF THE LEGISLATURE.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a joint session of the House and Senate be held at 6:30 P.M. on February 5, 1985, for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the Senate, to be named by the Presiding Officer of the Senate, and three from the House, to be named by the Speaker of the House, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Senators Covington, Goodwin, and Bishop.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 2, set out in the above and foregoing Message from the Senate.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House Reps. Faulk, Blake and Pratt.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 4. RELATIVE TO ADJOURNMENT OF THE LEGISLATURE.

McDOWELL LEE,
Secretary.

RECESS

On motion of Rep. Johnson (Roy), the House recessed until 6:00 o'clock p.m.

HOUSE RECONVENED

The hour of 6:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 4. RELATIVE TO MEETING DATES FROM TUESDAY, FEBRUARY 5 TO THURSDAY FEBRUARY 7, 1985.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration.

By Senators Goodwin, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Hand, Hilliard, Holmes, Horn, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J), and Strong:

S. J. R. 3. COMMENDING MR. JOHN TEAGUE OF CHILDERSBURG AS LEGISLATOR OF THE YEAR.

REGULAR SESSION
1st Day

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WHEREAS, the Alabama Legislature notes with highest praise the selection, on December 7, 1984, of Senator John Teague of Childersburg as Legislator of the Year; and

WHEREAS, it is to be noted that this prestigious designation, an award sponsored by the Alabama League of Savings Associations, was by vote of Mr. Teague's peers; and

WHEREAS, Mr. Teague, President Pro-Tempore of the Senate, has served in the legislature since 1974, and the dedication and effectiveness of his service is reflected in this honor bestowed by his colleagues who, through association, are most knowledgeable of Mr. Teague's exceptional ability; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Senator John Teague of Childersburg as Legislator of the Year, 1984.

BE IT FURTHER RESOLVED, That our good friend, John Teague, receive a copy of this resolution, tendered in friendship and warmest regard of his outstanding accomplishments.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Junkins, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 3, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators deGraffenried, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Horn, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Strong, and Teague:

S. J. R. 4. COMMENDING MR. ROY JOHNSON OF TUSCALOOSA AS LEGISLATOR OF THE YEAR.

WHEREAS, the Alabama Legislature notes with highest praise the selection, on December 7, 1984, of State Representative Roy Johnson of Tuscaloosa as Legislator of the Year; and

WHEREAS, it is to be noted that this prestigious designation, an award sponsored by the Alabama League of Savings Associations, was by vote of Mr. Johnson's peers; and

WHEREAS, Representative Johnson, Speaker Pro-Tempore of the House, has served in the legislature since 1974, and the dedication and effectiveness of his service is reflected in this honor bestowed by his colleagues who, through association, are most knowledgeable of Mr. Johnson's exceptional ability; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Representative Roy Johnson of Tuscaloosa as Legislator of the Year, 1984.

BE IT FURTHER RESOLVED, That our good friend, Roy Johnson, receive a copy of this resolution, tendered in friendship and warmest regard of his outstanding accomplishments.

McDOWELL LEE,
Secretary.

On motion of Rep. Junkins, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 4, set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Mathis and Coleman:

H. J. R. 20. GIVING FACTS AND REQUESTING INFORMATION FROM NEWS COMMENTATOR, BOB INGRAM.

WHEREAS, Bob Ingram, Editorial Director of WSFA-TV, in a speech to the Ozark-Dale County Chamber of Commerce Banquet last Thursday, January 31st, said among other things regarding the Legislature, "It is sad but true that we've got some incompetents up there. We've got some people up there that if you invite them home for dinner, you had better count your silver before they leave."; and

WHEREAS, this is the same Bob Ingram who, while Finance Director under Governor Albert Brewer, contracted with another writer from the State of Alabama to do a survey on law enforcement in Alabama, at a cost that exceeded \$70,000.00; and

WHEREAS, the contract was not bid upon but was let without bid and the recipient filed a corporate charter, made his report, and received his pay on the same day a few weeks prior to Governor Brewer leaving office; and

WHEREAS, the report which might have been made public has been seen by very few, and provided only that people doing surveillance work for a police department should work at night, wear dark suits, drive dark automobiles, and if necessary, use boot-black on their faces so they could not be observed. This little jewel cost the State of Alabama's taxpayers approximately \$80,000.00; and

WHEREAS, Bob Ingram who puts himself in the position as a "watch dog" of the morals of the Alabama Legislature is the same Bob Ingram who has been fired several times; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Bob Ingram is hereby requested

to address the report of the surveillance and give a full report to the Alabama Legislature and to the Press. Included in the report should be the reasons why all these matters took place on the last day of the fiscal year of 1970.

BE IT FURTHER RESOLVED, That Bob Ingram should answer whether or not he is the same Bob Ingram who solicited \$400,000.00 from Richard Nixon in 1970 in an unsuccessful effort to defeat George Wallace.

On motion of Rep. Mathis, the rules were suspended and the resolution, H. J. R. 20, was adopted.

Also:

By Reps. Mathis and Coleman:

H. R. 21. GIVING FACTS AND REQUESTING INFORMATION FROM NEWS COMMENTATOR, BOB INGRAM.

WHEREAS, Bob Ingram, Editorial Director of WSFA-TV, in a speech to the Ozark-Dale County Chamber of Commerce Banquet last Thursday, January 31st, said among other things regarding the Legislature, "It is sad but true that we've got some incompetents up there. We've got some people up there that if you invite them home for dinner, you had better count your silver before they leave."; and

WHEREAS, this is the same Bob Ingram who, while Finance Director under Governor Albert Brewer, contracted with another writer from the State of Alabama to do a survey on law enforcement in Alabama, at a cost that exceeded \$70,000.00; and

WHEREAS, the contract was not bid upon but was let without bid and the recipient filed a corporate charter, made his report, and received his pay on the same day a few weeks prior to Governor Brewer leaving office; and

WHEREAS, the report which might have been made public has been seen by very few, and provided only that people doing surveillance work for a police department should work at night, wear dark suits, drive dark automobiles, and if necessary, use boot-black on their faces so they could not be observed. This little jewel cost the State of Alabama's taxpayers approximately \$80,000.00; and

WHEREAS, Bob Ingram who puts himself in the position as a "watch dog" of the morals of the Alabama Legislature is the same Bob Ingram who has been fired several times; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That Bob Ingram is hereby requested to address the report of the surveillance and give a full report to the Alabama Legislature and to the Press. Included in the report should be the reasons why all these matters took place on the last day of the fiscal year of 1970.

BE IT FURTHER RESOLVED, That Bob Ingram should answer whether or not he is the same Bob Ingram who solicited \$400,000.00 from Richard Nixon in 1970 in an unsuccessful effort to defeat George Wallace.

On motion of Rep. Mathis, the rules were suspended and the resolution, H. J. R. 21, was adopted.

JOURNAL OF THE HOUSE, 1985
1st Day

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 3. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF THE LEGISLATURE.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Senators Covington, Goodwin, and Bishop.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Senators Holmes, Strong, and Horn.

McDOWELL LEE,
Secretary.

JOINT SESSION

Pursuant to the resolution, S. J. R. 2, heretofore adopted, the Senate and the House of Representatives of the Legislature of Alabama met in joint session in the Hall of the House of Representatives for the purpose of hearing an address by the Honorable George C. Wallace, Governor of the State of Alabama.

The joint session was called to order by Honorable William J. Baxley, Lieutenant Governor and Presiding Officer of the Senate.

Thereupon, Honorable George C. Wallace, Governor of the State of Alabama, delivered his address to the Members of the Legislature of Alabama.

The Lieutenant Governor and Presiding Officer of the Senate then announced that the purpose of the joint session having been accomplished, the Senate would retire to its Chamber.

The Speaker then called the House to order.

ADJOURNMENT

On motion of Rep. Clark (J) and pursuant to the resolution, H. J. R. 4 heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, February 7, 1985.

REGULAR SESSION
2nd Day

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SECOND DAY

House of Representatives
Montgomery, Alabama
Thursday, February 7, 1985

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Chaplain Bennett I. Huguen, The American Legion, Department of Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names.

Mr Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the first legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark (J), the reading at length of the Journal of the House for the first legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the first legislative day was approved.

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. R. 22. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, February 7, 1985, we adjourn to meet again on Tuesday, February 12, 1985.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 22, was adopted.

NOTICE IN WRITING

Rep. Johnson (Roy) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day, a motion will be made to amend the Rules of the House by deleting Rule 24 in its entirety.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 2. NOTIFYING THE GOVERNOR THAT THE LEGISLATURE IS NOW IN SESSION AND READY FOR TRANSACTION OF BUSINESS.

Also:

H. J. R. 3. RELATIVE TO JOINT SESSION OF THE HOUSE AND SENATE FOR THE PURPOSE OF HEARING MESSAGE OF THE GOVERNOR.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT FILED

Pursuant to Senate Joint Resolution 72, Act No. 84-777, Co-Chairmen Senator Lowell Barron and Representative Jimmy W. Holley, submitted the report of the Joint Interim Committee to Study the State Board of Education, and the report was ordered filed.

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 301. To amend Section 17-16-6, Code of Alabama 1975, which relates to the time and place for holding primary elections, except special primary elections and presidential preference primaries, so as to provide that primary elections shall be held on the first Tuesday in June, and a runoff election, if necessary, shall be held on the fourth Tuesday thereafter, effective June 3, 1986, and thereafter.

H. 297. To amend subsection (a)(3) of Section 16-25-14, Code of Alabama 1975, relating to mandatory retirement of teachers to provide that a teacher may be continued in service from year to year past the age of 70 years upon his application and approval by his employer if evidence of physical and mental fitness is furnished.

H. 82. To provide that any county ad valorem taxes that are designated for educational purposes and that are levied on property located in any municipality that encompasses property in two or more counties shall be distributed to the county or counties furnishing the educational facilities in the municipality.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 116. To amend the Alabama Administrative Procedure Act, Act No. 81-855, Acts of Alabama 1981 (codified as Chapter 22, Title 41, Code of Alabama 1975), by specifically amending Section 41-22-3, Code of Alabama 1975, relating to the definition of "agency" to include the Alabama Department of Environmental Management and the state fire marshal and to delete those exempted agencies which no longer exist, and relating to the definition of "rule" to exempt from that definition any form which is specifically required by federal statute or by federal rule or regulation, but providing that all forms must be on file with the secretary of the agency and with the legislative reference service and published in the agency administrative code and relating to the definition of "contested case" to exempt from that definition and the provisions of Sections 41-22-12 through 41-22-21, Code of Alabama 1975, certain pardon and parole hearings; by amending Section 41-22-6, Code of Alabama 1975, relating to the effective dates of rules so as to permit an effective date of less than 35 days where the action is required by or to comply with a federal statute or regulation which requires adoption of a rule upon fewer than 35 days' notice and to require that adopted rules be filed within 90 days after notice; by amending Section 41-22-8, Code of Alabama 1975, relating to the time limitation placed upon agency action upon a petition in writing requesting the adoption, amendment or repeal of a rule so as to grant an agency which has its next regularly scheduled meeting beyond said 60-day period, the authority upon written notice to extend the period for not more than 30 days within which to deny or initiate rule-making proceedings; by amending Section 41-22-11, Code of Alabama 1975, to correct appeals reference; by amending Section 41-22-12, Code of Alabama 1975, relating to contested cases to permit, where not permitted by existing statute, delivery of notice of hearing by first-class mail, postage prepaid, to be effective upon the deposit of the notice in the mail; and further to provide that where the statutory determinative process is a multi-level procedure, the opportunity to present evidence need be afforded at only one level in the process unless otherwise provided by statute; by amending Section 41-22-13, Code of Alabama 1975, relating to rules of evidence so as to provide that, where judicial review is by a trial de novo, it is not necessary to make objections or for the agency to rule upon objections during a hearing, where such procedure is announced in advance of hearing, but requires the agency in such a case to consider only such testimony and evidence as is relevant, material, competent and legal; by amending Section 41-22-16, Code of Alabama 1975, relating to final decisions and orders to provide that notification of all orders, except the final order, may where permitted by existing statute, be delivered by first-class mail, postage prepaid, and delivery to be effective

upon deposit of the notice in the mail; by amending Section 41-22-20, Code of Alabama 1975, relating to judicial review of contested cases to require that a cost bond must be filed with the agency in order to initiate appeal or review; to make the 30-day period within which to appeal or to institute judicial review uniform in all cases, to provide for appeal or review by the courts by a trial de novo where permitted by existing or future statute; to provide that appeals from agency orders may also be filed in the circuit court of Montgomery County; by amending Section 41-22-21, Code of Alabama 1975, relating to appeals from final judgments of circuit courts to require that an appeal must be taken to the appropriate appellate court within 42 days from entry of judgment; by amending Section 41-22-23, Code of Alabama 1975, to clarify the time in which the joint committee on administrative regulation review has to approve or disapprove a proposed regulation and to provide further for the number of copies of a proposed rule an agency shall furnish the committee; by amending Section 41-22-24 to provide the procedure for reconsideration of disapproved rules by the legislature; amending Sections 41-22-25 and 41-22-27, Code of Alabama 1975, to clarify the effective date and publication date of the Alabama Administrative Procedure Act; and repealing the exemption of the Alabama Department of Environmental Management as set forth in Section 14(d) of Act No. 82-612, Acts of Alabama 1982.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 328. (With Amendment): To propose an amendment to the Constitution of Alabama of 1901 to provide for the compensation of members of the legislature.

The above bill was read a second time at length as required by the Constitution.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 329. To provide for the compensation of members of the legislature; to provide additional compensation to the president of the senate and the speaker of the house of representatives; to amend Section 36-7-20, Code of Alabama 1975, relating to the per diem allowance for state employees, so as to make such allowance applicable to officers and members of the legislature; to amend Section 29-1-9, Code of Alabama 1975, relating to the compensation of members of the legislature who serve on interim committees, so as to provide further for such compensation; and to specifically repeal Section 29-1-8, Code of Alabama 1975, and certain joint resolutions relating to legislative compensation.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 271. (With Amendment): To prohibit certain activities related to the tampering with meters and other facilities of public utilities furnishing gas, electricity or water; to provide civil remedies; to provide felony criminal

punishment for violations; and to provide that the provisions of this act are cumulative to Section 13A-8-10, Code of Alabama 1975.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 13. To amend Section 13A-11-74, Code of Alabama 1975, which provides for exemptions from the requirement of a pistol license, so as to include retired federal law enforcement officers within the exemptions.

H. 223. To exempt all persons employed in public, private, and church schools from liability for certain communications to the parents of a minor child, law enforcement officers or health care providers concerning the suspected use, possession, sale or furnishing of any controlled substance by any minor child.

H. 142. To provide a procedure for hearings by the court prior to release from custody of defendants who were found to have committed a criminal act while mentally ill and were committed to the custody of the Commissioner of the Alabama State Department of Mental Health or other public facility as the Court may order.

H. 206. To provide for the filing for record and the preservation of all orders and judgments made and entered by any judge of the circuit court of the 20th Judicial Circuit of Alabama, and to provide that such judgments or orders shall have the same force and effect as minutes of the circuit court of said circuit prior to the passage and approval of this act.

H. 141. To amend the definitions contained in § 13A-10-30 [in the criminal code article on escape and related crimes] to provide that the failure of an inmate to remain within the limits of his confinement extended pursuant to any work release, trustee, furlough, leave, or pass program or to return within the time prescribed pursuant to such program to the place of confinement is an escape from custody and punishable as such; to provide that the restraint or detention aspect of custody for purposes of escape can be either actual or constructive; to define escape; to specify the conduct to which this act applies; to repeal all conflicting laws or parts of laws insofar as they apply to conduct occurring after the effective date of this act; and to provide an effective date.

H. 269. To amend Section 30-1-7, Code of Alabama 1975, which provides for persons authorized to solemnize marriages, so as to include former judges of probate.

H. 314. To amend sections 8-17-210, 8-17-211, 8-17-217, 8-17-218, 8-17-221, 8-17-222, 8-17-224, 8-17-225 and 8-17-226, Code of Alabama 1975, which provide for the regulation of fireworks in Alabama, so as to revise the definition of "retailer" to include provisions for seasonal retailers; to revise the definition of "distributor" to include provisions for all persons making sales of fireworks for resale; to require all permits to be displayed; to require persons shipping fireworks within the state to apply for permits; to prohibit mail order sales of fireworks; to provide further for permit fees and the distribution of proceeds therefrom; to provide further for the prohibition of the sale of certain fireworks; to provide further for the display of fireworks; to prohibit sales of fireworks to persons under 16, and to provide for the sale of confiscated fireworks.

H. 199. To provide for an assignment to the Department of Pensions and Security of the right to any support owed to or for a child in the custody of the department and receiving foster care or receiving foster care maintenance payments; to authorize the department to bring actions to establish or enforce a support obligation; to provide that a support obligation may be ordered at the time custody is granted to the department; and to provide that the department may collect and distribute support.

H. 37. To authorize and establish a procedure whereby ordinances of municipalities may be introduced into evidence in the circuit courts of this state on appeals from municipal or district courts.

H. 134. To amend Sections 26-10-8 and 26-10-9, Code of Alabama 1975, relating to violations and the crime of advertising or inducements to parents to part with their offspring; so as to prohibit any parent, guardian, agency or legal custodian of a child, or any other person, to receive anything of value as consideration for the relinquishment of a child for adoption or sale; to prescribe Class C felony punishment for such crime, upon conviction thereof; and to provide for the assessment of incidental costs if they are reimbursements for expenses incurred or fees for services rendered.

H. 285. To establish penalties for certain criminal activities in respect to computers.

H. 240. To amend Section 13A-7-29, Code of Alabama 1975, relating to criminal littering, so as to increase the penalties for committing said offense.

H. 220. To amend Section 12-21-109, Code of Alabama 1975, relating to the effect of written receipts, releases and discharges so as to clarify the inclusion of judgments entered pursuant to pro tanto settlements.

H. 274. Relating to certain common carriers and contract carriers by motor vehicle, and private carriers, of explosives, flammable liquids or hazardous wastes in this state; to prohibit the carrying of such substances unless certain decals, plates or placards are prominently displayed, and to prohibit such carriers of explosives, flammable liquids or hazardous wastes from speeding while carrying or transporting such substances; to provide definitions, and to provide additional penalties for violations of this act.

Rep Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 114. To establish service territories for electric suppliers within the State; to provide the means of eliminating or reducing the potential for duplication of electric distribution facilities used for furnishing retail electric service; to mandate and implement the determination of which electric supplier shall furnish retail electric service to electric customers within various areas of the State including areas within municipal limits of municipalities as such municipal limits existed on April 26, 1984 and outside municipal limits based on the location of electric distribution facilities as of January 1, 1984; to provide that the primary electric supplier within each municipality in the State shall have the right, at its option, to purchase all distribution facilities of any secondary electric supplier used to supply retail electric service within the municipal limits as such municipal limits existed on April 26, 1984 and have the right to serve all premises within the municipal limits

as such municipal limits existed on April 26, 1984, subject to certain conditions; to define the right and obligation of municipalities and municipally-owned electric suppliers to provide electric service in areas outside the municipal limits as such municipal limits existed on April 26, 1984 based on the location of electric distribution facilities as of January 1, 1984; to provide electric suppliers designated to serve particular areas outside municipal limits of any municipality, an option to purchase facilities of other suppliers constructed in such area after January 1, 1984; to provide for resolution of disputes between electric suppliers regarding sale or purchase of electric facilities; to provide for the applicability of certain provisions of Title 37, Code of Alabama (1975); to provide special rules for elimination of duplication of facilities in the case of certain agreements between electric suppliers; to prohibit the providing of electric service in violation of this Act; to provide for judicial review and validation of the provisions of this Act by the courts and set out procedures governing such proceedings and appeals therefrom; to provide that certain provisions of the Act are not severable and that if any such provision is declared invalid under state law, the remaining provisions also shall be invalid, and to further provide that if the Act is declared invalid, any actions taken by any party in conformity with the provisions of the Act shall be lawful but that any electric service rendered pursuant to the provisions of the Act shall be terminated; and to repeal all laws or parts of laws in conflict herewith or if Act No. 84-206, adopted in the Regular Session of 1984, is upheld, to amend Act No. 84-206 so as to provide for and approve additional agreements between electric suppliers to eliminate duplication of facilities.

H. 117. To amend Section 36-26-17, Code of Alabama 1975, relating to the manner of filling vacancies in the classified service so as to increase the number of names certified by the state personnel department director.

H. 325. To amend Section 36-29-2, Code of Alabama 1975, which creates the state employees' insurance board, so as to provide further for membership on the board.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 103. (With Amendment): To amend Section 41-16-50 and Section 41-16-57, Code of Alabama 1975, relating to the expenditure of public funds for leases and related to the expenditure of public funds awarding lease purchase contracts; to establish an effective date.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 145. Prohibiting any public water supply system, supplying three or more municipalities, and operating from the site of its principal place of business in one county from charging customers in one municipality, or in any unincorporated area within any county at a higher rate for water or for maintenance and use of fire plugs than customers in any other municipality or unincorporated area within the county of its principal place of business; and prescribing penalties for violation.

H. 146. To amend §41-16-21 of the Code of Alabama 1975 to exempt from the provisions of the law on competitive bidding on public contracts

H. 146. To amend §41-16-21 of the Code of Alabama 1975 to exempt from the provisions of the law on competitive bidding on public contracts purchases by any hospital or other medical facility operated by any state department, board, bureau, commission, committee, institution, corporation, authority or office.

H. 148. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners for Speech Pathology and Audiology as provided in Sections 34-28A-21 through 34-28A-40 of the Code of Alabama 1975, and the legislature's concurrence thereof.

H. 149. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Nursing Home Administrators as provided in Sections 34-20-1 through 34-20-16 of the Code of Alabama 1975, with certain modifications; to amend Section 34-20-11, Code of Alabama 1975, so as to provide for an application fee not to exceed \$100.00, and a temporary emergency permit fee not to exceed \$300.00, the exact amount to be determined by the board.

H. 151. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Dental Examiners as provided in Sections 34-9-1 through 34-9-47 of the Code of Alabama 1975, and the legislature's concurrence thereof.

H. 152. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Nursing as provided in Sections 34-21-1 through 34-21-26 and 31-21-40 through 31-21-63 of the Code of Alabama 1975, and the legislature's concurrence thereof.

H. 153. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Optometry as provided in Sections 34-22-1 through 34-22-43 of the Code of Alabama 1975, and the legislature's concurrence thereof.

H. 154. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Physical Therapy as provided in Sections 34-24-190 through 34-24-217 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-24-192, 34-24-193, 34-24-194 and 34-24-215, so as to: add two additional members to the board; provide further for qualifications of board members; provide further for travel expenses of the board; change the term "therapy" to "therapist" for consistency with remainder of Chapter 24; provide subpoena powers to compel witnesses attendance and evidence for board meetings; and provide further for special research and educational programs.

H. 155. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Chiropractic Examiners as provided in Sections 34-24-140 through 34-24-172 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-24-140, 34-24-161 and 34-24-162, so as to authorize the board to employ certain investigators, attorneys or agents; to require the board to publish, at cost, a directory of chiropractors; to require issuances of licenses; to provide for reciprocal licensing standards; to provide for lost or changed-name licenses; and to provide for professional signs.

H. 156. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Pharmacy as provided in Sections 34-23-1 through 34-23-94 of the Code of Alabama 1975, and the legislature's concurrence thereof.

H. 157. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Podiatry as provided in Sections 34-24-230 through 34-24-276 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-24-253, 34-24-255, 34-24-271, 34-24-272 and 34-24-275, so as to increase various fees, the exact amounts to be set by the board; to provide for an application fee; and to provide that certain excess funds shall revert to the state general fund at the end of any fiscal year.

H. 158. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Veterinary Medical Examiners as provided in Sections 34-29-1 through 34-29-46 of the Code of Alabama 1975, with certain modifications; to amend Section 34-29-44, Code of Alabama 1975, so as to delete the United States citizen requirement of foreign applicants.

H. 159. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Hearing Aid Dealers as provided in Sections 34-14-1 through 34-14-33 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-14-3, 34-14-6, and 34-14-7, Code of Alabama 1975, so as to increase the various fees charged by the board.

H. 164. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Medical Examiners and the Medical Licensure Commission as provided in Sections 34-24-50 through 34-24-53, 34-24-55 through 34-24-59, 34-24-70 through 34-24-78 and 34-24-310 through 34-24-367 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-24-53 and 34-24-54 so as to: authorize the Board to create a special fund to defray costs of litigation involving the board and the commission and their members and staff; to provide further for the deposit and dispositions of funds of the board; and to provide further for the compensation of members of the board and the commission.

H. 106. To amend Section 32-6-231 of the Code of Alabama 1975 relating to parking decals for handicapped persons, so as to provide further for such decals for certain vehicles used primarily to accommodate such persons in obtaining such decals.

H. 111. To amend the title and Sections 1, 2 and 3 of Act No. 84-619, S. 460, of the 1984 Regular Session relating to loaning of state owned surplus property to certain volunteer entities, so as to provide that such property may be loaned to volunteer fire departments.

H. 252. To protect, preserve, maintain, and enhance the scenic, recreational, and other qualities of the Cahaba River by reinforcing existing surface mining laws, solid waste laws, water pollution laws, and water quality standards in and near the river; to regulate certain alterations and impoundments of the river; to establish a management corridor along the river within which the building or establishment of transportation facilities and other man-made structures and the harvesting of timber may be performed as approved by the Commissioner of Conservation and Natural Resources; and to prescribe remedies and penalties for violation of the act.

H. 258. Proposing an amendment to Amendment 341 to amendment of Section 106, Constitution of 1901, relating to publication and notice of intent to apply for local legislation affecting counties and municipalities.

The above bill was read a second time at length as required by the Constitution.

H. 90. To amend section 40-18-100 and 40-18-102 of the Code of Alabama 1975, which provide for the offset of state tax refunds to satisfy

debts owed the Alabama department of pensions and security, so as to provide for the offset of refunds to satisfy child and/or spousal support debts owed any individual being served by the department of pensions and security pursuant to the requirements of Title IV-D of the Social Security Act.

H. 91. Restricting the jurisdiction of a municipal building code in outlying areas of a municipality to such areas in which the local residents have been afforded an opportunity to elect the municipal governing body responsible for such code.

H. 6. To raise the legal age for a person to attempt to purchase, to purchase, consume, possess or to transport alcoholic beverages, to provide criminal penalties, and to provide that juvenile offenders shall be incarcerated, if so sentenced, in juvenile detention facilities, and to exempt persons 19 years of age or older on the effective date of this act and certain persons authorized to make purchases from certain military liquor or package stores, pursuant to Section 28-1-3, Code of Alabama 1975.

H. 327. To amend sections 34-27-2 through 34-27-8, 34-27-10, 34-27-11, 34-27-30 through 34-27-38, 34-27-50 through 34-27-52, 34-27-57, 34-27-58, 34-27-60 through 34-27-64 and 34-27-66 through 34-27-68 of the Code of Alabama 1975, which relate to the regulation of real estate and time-sharing brokers, salesmen and transactions and to the real estate commission and its executive officers, so as to provide further for such regulation, for the duties of such executive officers and for penalties and to repeal section 34-27-9 relating to bonds of such executive officers.

H. 313. To amend Section 38-2-2 of the Code of Alabama 1975 relating to the state board of pensions and security so as to further provide for the election of two state employees to the board.

H. 71. To amend Section 41-4-150, Code of Alabama 1975, relating to the printing of the acts and journals, so as to reduce the number printed.

H. 9. To amend Section 41-16-50, Code of Alabama 1975, which provides for competitive bidding on contracts of certain state and local agencies, so as to increase the amount of the contract requiring said bidding.

H. 304. To amend Section 6-8-64, Code of Alabama 1975, which relates to the cost of publishing legal advertising to allow weekly newspapers to charge their current published commercial classified advertising rate for legal notice advertising.

H. 296. To further provide for payroll deductions for state employees.

H. 28. To amend Section 16-11-1, Code of Alabama 1975, which defines the word "city" for city boards of education purposes, so as to include municipalities in which four-year institutions of higher learning are located within said definition.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 300. Relating to the provision of home health, private duty, temporary staffing and hospice services in Alabama; providing for licensing of these services; empowering the state board of health to grant and revoke such licenses; establishing a standards board to promulgate the minimum rules and regulations to ensure the quality of health care provided to the

recipients of these services, and provides for an annual licensing fee to carry out the licensure provisions of this act; and prescribing criminal penalties for violating certain provisions of this act.

H. 144. To provide further for indigent health care; establishes county indigent care boards; provides for reimbursement to hospitals after the hospitals have provided a certain percentage of annual gross revenues for indigent care; and provides for local funding of indigent medical care.

H. 70. To amend §22-2-4, and §22-2-10, Code of Alabama 1975, to provide for the payment of per diem, subsistence, and mileage to the Members of the State Committee of Public Health.

H. 280. To repeal Sections 22-30-5 and 22-30-7, Code of Alabama as amended, which provide for the dedication and acceptance of hazardous waste storage facilities and disposal sites.

To amend Sections 22-30-4 and 22-30-18, Code of Alabama 1975, as amended, so as to authorize the Alabama Department of Environmental Management to issue and serve subpoenas requiring persons to give testimony or produce papers, documents, records and tangible things and to enforce obedience to such subpoenas; to provide for monitoring of commercial disposal sites; to clarify the public availability and confidentiality of records and information obtained by the Alabama Department of Environmental Management; to permit the Alabama Department of Environmental Management to require monitoring and sampling; and to clarify provisions relating to disposal fees.

H. 194. To amend Sections 34-23-30, 34-23-32, 34-23-50, and 34-23-52, Code of Alabama 1975, which provide license fees established by the board of pharmacy, so as to provide further for said fees.

H. 195. To amend Code Section 22-6-4.2 of the Code of Alabama 1975, relating to copayment for prescription drugs, so as to conform state law to the requirements of the medicaid provisions of Public Law 97-248, enacted by the 97th Congress of the United States of America and known as the Tax Equity and Fiscal Responsibility Act of 1982.

H. 197. To amend Section 32-6-231, Code of Alabama 1975, relating to distinctive license plate decals and identification placards issued to handicapped persons for use in reserved parking spaces, so as to provide that any such individual may purchase two of such decals and placards and to provide that said decals and placards may be acquired by a handicapped person for certain business motor vehicles.

H. 196. To amend the Code of Alabama 1975, Section 34-23-94, relating to regulating appeals from decisions of the Alabama State Board of Pharmacy, so as to delete the requirement for de novo appeals and to substitute therefor appeals on the record in accordance with the Alabama Administrative Procedure Act.

H. 94. To amend Section 34-9-19, Code of Alabama 1975, relating to advertising by dentists so as to regulate further such advertising.

H. 95. To amend Sections 34-9-1, 34-9-9, 34-9-11, 34-9-17, 34-9-18, 34-9-22, 34-9-25, 34-9-26, 34-9-27, 34-9-29, 34-9-41, and 34-9-43 of the Code of Alabama 1975, relating to dentists and dental hygienists, so as to regulate further the practice of dentistry and dental hygiene; to regulate further the Board of Dental Examiners; to regulate the administration of anesthesia by dentists; and to provide sanctions.

H. 33. To authorize the State Board of Health to designate the services rendered by the state and local health departments for which a reasonable fee may be charged. The State Board of Health is further required to set a maximum fee for each service. The local board of health may set fees for services, not to exceed the maximum set by the State Board of Health. The local board of health may charge and collect such fees. No citizen shall be deprived of any service because that person is indigent.

H. 279. To amend Section 16-22-3, Code of Alabama 1975, requiring examination for tuberculosis of school personnel by deleting the specific tests and frequency and adding the determination of same to be by rule of state board of health.

H. 207. To amend Section 22-6-8 of the Code of Alabama 1975, relating to medicaid benefits, so as to provide further for the authority of the Alabama Medicaid Agency relative to suspension, revocation and reinstatement of recipient's benefits.

H. 321. This bill authorizes the Health Department to charge fees to reimburse the cost of laboratory analyses and services provided that are not otherwise specified for the Health Department to perform by law.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 305. To amend Section 5-2A-1, Section 5-2A-7 and Section 5-2A-8, Code of Alabama 1975, which provide for duties of the Superintendent of Banks, to repeal Section 5-2A-120, Section 5-2A-121, Section 5-2A-122, Section 5-2A-123, Section 5-2A-124 and Section 5-2A-125 Code of Alabama 1975, which establish the Bureau of Credit Unions and to establish an Alabama Credit Union Administration.

H. 261. To provide that the Superintendent may examine a bank every other year if he so desires.

H. 268. To amend Code of Alabama 1975, Section 5-5A-20, as previously amended relating to branch banking, so as to provide that automated teller machines, the establishment of which might otherwise be limited by law, shall not be subject to the restrictions imposed by Section 5-5A-20 or by any other provision of law restricting branch banking, so long as the use of the automated teller machine is offered for sharing with other banks, savings and loan associations or credit unions having their principal place of business in Alabama.

H. 110. To provide for charges that may be made for bad checks given in payment to lenders of money or extenders of credit; to provide that such charges shall not be deemed interest, finance or other charges that are limited or restricted by law; to provide that this act shall be included in the Code of Alabama 1975 as Section 8-8-15 of said code.

H. 242. To amend Section 13A-9-13.1 of the Criminal Code of Alabama, which relates to the crime of negotiating worthless negotiable instruments, so as to include the presentation or negotiation of a worthless negotiable instrument for the payment or repayment of a valid indebtedness as a crime under said section.

Rep Smith, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following

bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 88. To propose an amendment to the Constitution of 1901, authorizing the Legislature to provide for promotion of production, distribution, marketing, use, improvement and sale of wheat and other feed grains as defined and authorized by the Legislature.

The above bill was read a second time at length as required by the Constitution.

H. 89. To authorize and provide for the promotion of the production, marketing, use and sale of wheat, corn, grain sorghum, and oats and wheat, corn, grain sorghum, and oats products by research, education, advertising and other methods; and prescribing a method whereby wheat, corn, grain sorghum, and oat producers may act jointly with handlers, buyers, processors, the State Board of Agriculture and Industries, and others, for a promotional program; providing that producers may by referendum levy upon themselves assessments for financing a promotional program and for the collection, disbursements and expenditures of funds collected from assessments, the regulations, requirements and authority relative thereto; providing for non-assessments, or refund of assessments; prescribing duties of the Commissioner of Agriculture and Industries and the State Board of Agriculture and Industries with respect to a promotional program for the wheat, corn, grain sorghum, and oats producers of Alabama; and providing for the administration thereof by a nonprofit association which is fairly and substantially representative of the producers of wheat, corn, grain sorghum, and oats throughout the State; and providing for collection and distribution of assessments by dealers, handlers, and buyers of wheat, corn, grain sorghum, and oats; requiring an annual permit of such dealers, processors, and other buyers; and other administrative, enforcement, promotional, and penalty provisions.

H. 139. To amend Section 8-17-91, which provides for distribution of petroleum inspection fees; to provide that the State Treasurer shall make distribution of said fees.

H. 172. To amend Section 2-3A-2 of the Code of Alabama 1975 relating to the types of agricultural facilities permitted to be financed by the Alabama Agricultural Development Authority so as to permit the Authority to finance facilities for the treating, processing or storing of agricultural commodities without regard to whether such activities are customarily engaged in by farmers as a part of farming.

H. 322. To amend Section 9-13-63, Code of Alabama 1975, which provides for the maintaining of records of purchases of manufactured forest products, so as to increase the penalty for failure to maintain such records.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 326. To amend Sections 41-9-340, 41-9-343, 41-9-347 and 41-9-355, Code of Alabama 1975, relating to the USS Alabama Battleship Commission, so as to provide for the vacation of office by a member for failure to attend meetings, to increase the monetary limits for which a contract may be executed, to provide that said park shall honor all who participated in military defense of our nation and to forgive certain debts owed by the Commission to the Alabama State Docks.

H. 290. Relating to the regulation of the production of oil and gas in this State; to amend Sections 9-17-1 and 40-20-1, Code of Alabama 1975, to define oil and gas terms; to amend Section 9-17-6, Code of Alabama 1975, relating to the powers and duties of the State Oil and Gas Board; to amend Section 9-17-7, Code of Alabama 1975, to authorize the State Oil and Gas Board to delegate power and authority to a hearing officer; to amend Section 9-17-12 and Section 9-17-13, Code of Alabama 1975, to eliminate the requirement that the State Oil and Gas Board shall settle disputes relative to well costs; to amend Section 9-17-32, Code of Alabama 1975, to provide for fines for violation of the rules, regulations, or orders of the State Oil and Gas Board.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 245. (With Amendment): To amend Sections 9-11-55 and 9-11-56, Code of Alabama 1975, as last amended, which provide for nonresident annual and trip fishing licenses, so as to increase certain license and issuance fees for said licenses, and to further provide for the distribution of said fees.

Rep. Holmes, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 163. Relating to the Alabama Uniform Certificate of Title and Antitheft Act; to amend Section 32-8-41, Code of Alabama 1975, so as to eliminate the requirement of the state department of revenue to issue a nontransferable duplicate certificate of title for mailing to the owner to serve as a permit for the operation of a motor vehicle; and to amend Section 32-8-38, Code of Alabama 1975, so as to provide that the owner's permit copy of the application for certificate of title be retained by the owner as a nonnegotiable document as evidence of ownership and as a permit for the operation of a motor vehicle in order to eliminate the use of a form that duplicates the effects of another form.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 42. Relating to Washington County; abolishing the office of constable; and providing an effective date.

H. 43. Relating to Clarke County; abolishing the office of constable; and providing an effective date.

H. 107. Relating to Tallapoosa County; providing further for the meeting days and compensation of the members of the board of registrars; repealing Act No. 32, S. 26, Regular Session 1967 and Act No. 84-818, H. 41, First Special Session 1984; and providing for retroactive effect.

H. 109. Relating to Tallapoosa County; providing further for the procedure for selling and redeeming lands for taxes.

Rep. Boles, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following

bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 23. Relating to Jefferson County; to provide that if certain dangerous conditions exist, notwithstanding any law or rule to the contrary, the local board of education may authorize bus service for public school students who reside within two miles of a public school.

H. 311. A bill to supplement the salaries of the District Judges of the Tenth Judicial Circuit.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 125. Relating to Mobile County; to amend Section 3 of Act No. 83-731, S. 377 of the 1983 Regular Session of the Alabama Legislature (1983 Acts, p. 1184) cited as the "Mobile County Bingo Act"; so as to provide further for the operation of bingo games in Mobile County.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Turnham (With Notice and Proof):

H. 339. To authorize and make provision for the incorporation in the City of Auburn of The Auburn Downtown Redevelopment Authority for the purpose of promoting trade and commerce by including commercial enterprises to upgrade, improve, modernize, and expand existing facilities and to locate new facilities in the central business district of Auburn; to define the area of such central business district; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of such Authority, its board of directors, and its officers; to authorize such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith whether or not now existing, suitable for use by any commercial enterprise, provided that such property shall be located wholly within the Downtown Development Area herein defined; to authorize any such Authority to lease such property to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest bearing revenue bonds and other interest bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to authorize the Authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate or manage projects; to apply for and use government or private financial assistance; to contract

to use facilities or services of the federal, state or local governments or allow them to use facilities or services of the Authority; to make loans to persons or entities for the costs of a project on such security and with such terms and conditions as the Authority deems appropriate; to provide for the employment by any such Authority of such officers, employees, contractors, consultants and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to require payments in lieu of taxes to be made by the Authority or the City; to receive the proceeds of municipal taxes levied for the Authority's purposes; to promote revitalization of the Downtown Development Area and make plans and proposals therefor; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments of various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state except for state ad valorem taxes; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage except for state sales and use taxes and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; and to authorize political subdivisions, agencies, instrumentalities and public corporations of the state to aid the Authority with loans or grants of money, the furnishing of services or the transfer of property to the Authority without any public election; and to require the treasurer to obtain a fidelity bond equal to the amount of any public funds held by the Authority.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 339, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hammett (With Notice and Proof):

H. 340. Relating to Covington County; to provide further for the compensation and mileage allowance of the coroner.

Committee on Local Legislation No. 1.

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I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 340, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Carter:

H. 341. To amend Section 9-11-257, Code of Alabama 1975, as last amended, relating to hunting within 100 yards of roads, highways, or railroads without permission from an adjacent landowner, so as to prohibit any person, except a duly authorized law enforcement officer acting in the line of duty or person otherwise authorized by law, to hunt or discharge any firearm from, upon, or across any public road, public highway, or railroad, or their rights-of-way, logging railroads excepted; and to further prohibit any person to hunt within 100 yards of a public road, public highway, or railroad, or their rights-of-way, logging railroads excepted, with rifle or shotgun using slug or shot larger than standard number four in size, and to provide penalties for the violation thereof.

Committee on Natural Resources.

By Rep. Carter:

H. 342. To amend Section 9-2-107, Code of Alabama 1975, relating to the State Park Revolving Fund, so as to provide that up to 2% of the receipts of said fund may be reserved each year for use in major repair and maintenance service of land, buildings, and permanent equipment fixed assets; and capital improvements or alteration to land, buildings, or permanent equipment.

Committee on Ways and Means.

By Rep. Carter:

H. 343. To amend Section 9-14-27, Code of Alabama 1975, as last amended, relating to length of term of concession contracts, so as to extend the allowable term for state park concession contracts from six to ten years and the maximum term where major expenditures are made by concessionaire from twelve to eighteen years.

Committee on Ways and Means.

By Reps. Clark (J), Harper, and Turner:

H. 344. To amend certain sections of Chapter 9, Article 11, of Title 41 of the Code of Alabama 1975 to provide that the executive committee of the commission may not be empowered to execute any contract for an amount in excess of \$100,000.00; to provide that the commission offer to its employees any benefits offered to employees of the state of Alabama; to provide that the commission shall establish, operate and maintain a state memorial park to honor Alabamians who participated in all armed conflicts of the United States; and to provide that the \$50,000.00 outstanding indebtedness to the Alabama State Docks Department be forgiven.

Committee on Ways and Means.

By Rep. Clark (J) (With Notice and Proof):

H. 345. Relating to Barbour County; legalizing the sale of draft or keg beer or malt beverages; and repealing conflicting laws.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 345, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Albright:

H. 346. To provide that any funds appropriated under Sections 4 and 6 of Act No. 84-330, H. 231, Regular Session 1984 (Acts 1984, p. 755), for "High Technology Resource Foundation" at the University of Alabama in Huntsville shall be transferred to "High Technology" at said university.

Committee on Ways and Means.

By Rep. Johnson (Roy):

H. 347. To amend Section 8-8-5, Code of Alabama 1975, so as to conform the definition of Finance Charge to the Federal Truth-in-Lending Act.

Committee on Banking.

By Rep. Johnson (Roy):

H. 348. To amend Section 11-3-4.1, Code of Alabama, 1975, as amended, which relates to commissioners' minimum compensation so as to further provide for such compensation.

Committee on Local Government.

By Rep. Flowers:

H. 349. To amend Sections 27-38-1, 27-38-5 and 27-38-6 of the Code of Alabama, 1975, relating to separate accounts and variable contracts; to clarify statutory language and intent concerning variable life insurance and annuity contracts.

Committee on Insurance.

By Reps. Johnson (Roy) and Britnell:

H. 350. To create and establish a Natural Heritage Program in the State Parks Division of the Alabama Department of Conservation and Natural Resources for purpose of preserving, managing and enhancing the state's significant natural resources; to create a Natural Areas Advisory Committee, an Alabama Natural Heritage Trust Commission and an Alabama Natural Heritage Trust; and to provide for operating funds.

WHEREAS, the Alabama Legislature finds that as a part of the continuing growth of the population and development of the economy of the state it is necessary and desirable that portions of the state's rich natural and cultural diversity to set aside as heritage preserves and sites and protect it for the benefit of present and future generations, for once disturbed they cannot be wholly restored; and

WHEREAS, such areas and features are irreplaceable as laboratories for scientific research; as reservoirs of natural materials for which the value and usefulness thereof is not yet fully known; as habitats for rare and vanishing species; and as living museums where people may observe natural biotic and environmental systems and as areas for study and enjoyment as examples

of the lands, structures and related artifacts which represent significant parts of our natural and cultural heritage; and

WHEREAS, a number of independent and differing efforts, both private as well as public, have been initiated to protect some of these assets, a coordinated and concerted program is needed in order to avoid duplication and/or conflict among these and other valuable activities and to insure the maximum conservation of these resources through the establishment of a more effective and adequate official legal mechanism for identifying and recognizing and protecting such areas for their outstanding characteristics; and

WHEREAS, the neighboring states of Mississippi, Georgia, Tennessee, Florida, North Carolina and South Carolina have enacted legislation providing for the creation of mechanisms to enhance and/or manage said states' significant natural resources for the benefit of current and future generations; now therefore,

Committee on Ways and Means.

By Reps. Beers, Gray, White (G), Bachus, Seibels, Payne, and Pratt:

H. 351. To amend Section 17-10-3, Code of Alabama 1975, relating to absentee voting, so as to permit any person who is eligible to receive a handicapped parking decal to cast an absentee vote.

Committee on Constitution and Elections.

By Reps. Beers, Gray, White (G), Bachus, Seibels, and Pratt:

H. 352. To provide for the placing of signs on the Interstate Highways requesting that motor vehicles be driven in the right lane unless passing.

Committee on State Administration.

By Reps. Beers, White (G), Bachus, Gray, Seibels, and Pratt:

H. 353. To establish minimum child support payments at a level no less than the amount provided to children receiving aid to dependent children.

Committee on Judiciary.

By Reps. Beers, Butler, White (G), Bachus, Grouby, Gray, Trammell, Hall, Blakeney, Starr, Mikell, Tanner, McKee, Hooper, Payne, Adams, Laird, Johnson (RG), Coleman, Rains, Smith, Cosby, Britnell, Pratt, Burke, Gaston, Crow, Kvalheim, Carter, Turner, Poole, Hettinger, and Holley:

H. 354. To require notice to a parent prior to performing an abortion on an unemancipated minor who is less than eighteen years old to the extent constitutionally permissible; to provide for the enforcement of this Act; and to prescribe penalties for violations.

Committee on Judiciary.

By Rep. Harper:

H. 355. To provide for graduated penalties for using oversized commercial shrimp trawls in the waters of Alabama of \$600.00 to \$900.00 upon conviction for the first offense, \$900.00 to \$1,200.00 for the second offense and \$1,200.00 to \$1,500.00 for the third and subsequent offenses during any

two consecutive years. Trawls used during each offense may be confiscated and upon conviction be forfeited to the Department of Conservation and Natural Resources.

Committee on Natural Resources.

By Rep. Harper:

H. 356. To repeal Sections 9-12-86, 9-12-88, 9-12-89, 9-12-90, 9-12-91 and 9-12-114 Code of Alabama 1975 which provides for seven separate licenses required by seafood processors and dealers and to create a single Dealer/Processor licensing costing 100.00.

Committee on Natural Resources.

By Reps. Gaston, Drake, and Kvalheim:

H. 357. To further amend Section 40-9-12, Code of Alabama 1975, as last amended, so as to add the United States Sports Academy, a non-profit corporation, as an organization to which its tax exemption provisions apply.

Committee on Ways and Means.

By Rep. Warren:

H. 358. To amend Section 9-13-11, Code of Alabama 1975, which relates to the willful and malicious burning of woodlands, so as to provide further for the definition of paraphernalia used in arson.

Committee on Judiciary.

By Rep. Warren:

H. 359. To amend section 32-8-2 of the Code of Alabama 1975, relating to the Uniform Certificate of Title and Antitheft Act, so as to redefine and clarify the definition of "owner".

Committee on Judiciary.

By Reps. White (F), Starkey, and Adams:

H. 360. To provide that no commercial enterprise or activity shall be maintained, constructed, or located within the right-of-way limits of any highway or bridge on the state highway system whether temporary or permanent, stationary or portable, except utility structures authorized by permit issued by the state highway department; to further provide the penalty for violations.

Committee on Highway Safety.

By Reps. Brakefield and Nicholson:

H. 361. To make appropriations for the support and maintenance of the Walker County Junior College for the fiscal year ending September 30, 1986.

Committee on Ways and Means.

By Rep. Starkey:

H. 362. To amend Section 23-1-6, Code of Alabama 1975, which provides for the highway department to regulate and control the placing of markers, signs, and advertising on the right-of-way of all state-controlled

highways; to prohibit the placing of any commercial sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise on the right-of-way of any road, highway, or bridge which is a part of the state highway system whether title to said right-of-way be vested in the State of Alabama in fee, by easement, adverse possession, prescription or by any other means in which title may vest; provide notice to owner and for removal of said signs and penalty for the violation of any provision of this act, and to repeal any and all laws that conflict with any provision of this act.

Committee on Highway Safety.

By Reps. Adams and Starkey:

H. 363. To amend Section 32-9-31 of the Code of Alabama 1975, relating to the procedure for measuring and weighing vehicles so as to provide further for such procedure.

Committee on Judiciary.

By Rep. Martin:

H. 364. To amend further Section 40-12-248, Code of Alabama 1975, as last amended by Act No. 84-186, H. 182, Regular Session 1984, which relates to license tax and registration fees on trucks and tractors so as to provide further for the taxes and fees on recreational vehicles and trucks equipped as recreational vehicles.

Committee on Ways and Means.

By Rep. Zoghby:

H. 365. To amend Section 12-19-251.1, Code of Alabama 1975, as amended so as to authorize payment from fair trial tax receipts the expense of providing prosecutorial services in municipal courts and such services upon appeals to the circuit courts; to provide and effective date.

Committee on Ways and Means.

By Reps. Newman, White (L), Hall, Ford, and Coleman:

H. 366. To amend Section 38-4-1 of the Code of Alabama 1975 which relates to persons to whom public assistance is payable by deleting the 18 year age limitation for aid to the permanently and totally disabled.

Committee on Ways and Means.

By Reps. White (L), Hall, Ford, Coleman, and Newman:

H. 367. To amend Section 41-1-60, Code of Alabama 1975, by adding a Subsection (d) to authorize the Department of Pensions and Security to void outstanding warrants and receive credit for same.

Committee on Ways and Means.

By Reps. Ford, White (L), Hall, Coleman, and Newman:

H. 368. To amend sections 38-10-2 through 38-10-9, Code of Alabama 1975, which provide for the Department of Pensions and Security to operate child support programs, so as to further comply with the requirements of Title IV-D of the Social Security Act; to provide for the establishment and modification of support orders; to provide a definition of collection agent;

to provide that the acceptance of aid shall be deemed an assignment to the Department of Pensions and Security of rights to support; to clarify that, in a case where there is a court order of support, the liability for the debt to the department created pursuant to such an assignment of support rights shall apply only with respect to the support payments owed for the period of time during which aid is granted; to provide for the collection and distribution of support; and to provide for the operation of a support program.

Committee on Ways and Means.

By Reps. Ford, White (L), Hall, Coleman, and Newman:

H. 369. To amend section 30-3-60, Code of Alabama, 1975, to provide new definitions of income, employer, and support; to amend sections 30-3-60 through 30-3-69, Code of Alabama, 1975, to extend applicable provisions of the Act concerned with employers to include other payors of income; to amend section 30-3-61, Code of Alabama, 1975, to provide that a withholding order shall not be waived by mutual agreement of the parties to the case and to provide that cost of service of the withholding order shall be taxed as costs against the obligor at the time the order is served; to amend section 30-3-62, Code of Alabama, 1975, to provide for the automatic issuance of an income withholding order by a court as defined in the Act upon the filing of a petition by the obligee, district attorney, or representative of the Department of Pensions and Security and a finding that support, including past due support, is owed; to provide for the withholding of income to satisfy arrearages in addition to current support; to provide for the service of the withholding order upon the employer; to provide a time frame for conducting a hearing; to provide that cost of service of the withholding order shall be taxed as costs against the obligor at the time the order is served; to clarify the language concerning service of process in subsection (c); to provide that withholding may be contested only on the basis of mistakes of fact; to provide for withholding of current support before withholding of arrearages; and to provide that withholding orders shall have priority over any other legal process against the same income.

Committee on Judiciary.

By Reps. White (L), Hall, Ford, Newman, and Coleman:

H. 370. To provide for the enforcement of support obligations of other states and territories by providing a procedure for the withholding of income derived in this state; to provide that income withholding be sought in other states and territories to enforce the support orders of this state; to provide a procedure for the initiation of income withholding in another state or territory; to provide for the registration of a support order of another state or territory by the clerk of the court of this state for the purpose of income withholding; to provide notice to the obligor of the registration of the order of another state or territory; to provide the obligor with an opportunity to be heard at hearing to contest the proposed income withholding and to provide for defenses which may be raised by the obligor at the hearing; to provide for the issuance of the income withholding order; to provide for notice to the employer of income withholding; to provide for the distribution of collected support payments; to provide for the modification of income withholding orders; to provide a procedure for notifying another jurisdiction of a change in the obligor's employment status; to provide for voluntary income withholding by the obligor; to provide for the choice of law in matters

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related to the issuance, enforcement, and duration of the income withholding order; and to provide for the waiver of filing fees when proceedings are brought by or through the Department of Pensions and Security.

Committee on Judiciary.

By Reps. White (L), Hall, Newman, Coleman, and Ford:

H. 371. To provide an additional or alternative remedy to any other remedy provided by law for the enforcement of a duty to support where said duty arises pursuant to a foreign support order by providing a procedure whereby such support orders may be ratified and enforced in Alabama's courts.

Committee on Judiciary.

By Reps. Blakeney, Johnson (Roy), Coleman, Blake, Hall, Carter, Warren, Hooper, and Mikell:

H. 372. To provide that certain war veterans shall be entitled to a distinctive auto license plate; to provide for the distribution of said tag; and to provide that said tag shall be issued free of all fees and taxes.

Committee on Ways and Means.

By Rep. White (F):

H. 373. To validate, in certain cases, annexations heretofore held by municipalities.

Committee on Local Government.

By Rep. Mikell:

H. 374. To exempt the West El Medical Center from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Rep. Turnham:

H. 375. To provide in addition to benefits now received, a fixed cost-of-living increase to all surviving beneficiaries of members of the Employees' Retirement System of Alabama who became eligible for such benefits prior to October 1, 1984, however, no survivor beneficiary of an employee under the Employees' Retirement System whose benefits are based primarily upon service as an employee of an employer participating under Section 36-27-6, Code of Alabama 1975, shall be entitled to receive said increase unless the employer by which he was employed elects to come under the provisions of this act; to provide that any person whose eligibility to receive Medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; and to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama.

Committee on Ways and Means.

By Rep. White (F):

H. 376. To validate, in certain cases, attempted incorporations heretofore held by municipalities.

Committee on Local Government.

By Reps. Bachus, White (G), Campbell, Tanner, Marietta, Box, Gray, Hettinger, Beers, and Brooks:

H. 377. To require all motor vehicle operators to have certain liability insurance coverage or financial security and to furnish proof of such coverage or security and to provide criminal sanctions for violating the provisions of this Act.

Committee on Insurance.

By Rep. Escott:

H. 378. To amend Title 38, Section 7 of the Code of Alabama 1975, to add thereto two sections to prohibit the employment or other presence at a regulated child-care facility of any person who has committed or been convicted of any of certain general or certain enumerated offenses, as more particularly described below, and to set an effective date.

Committee on Judiciary.

By Rep. Escott:

H. 379. To establish the children's care trust fund in the State Treasury for the primary purpose of encouraging the provision of child care improvement services and to provide for the continuous appropriation of moneys in such fund: to authorize and provide for additions to such fund by means of a fee on birth certificate reproductions and to prescribe certain duties for the State Revenue Department and the State Treasurer in connection with such checkoff contributions: to provide for reimbursing the Revenue Department for the additional cost of collecting and handling such contributions: to regulate the use of the trust fund: to provide that the Child Care Improvement Board shall have access to and control over the fund and shall supervise and control the use of the assets of the fund: and to prescribe the effective date of this Act.

Committee on Ways and Means.

By Rep. Escott:

H. 380. To provide for state income tax credits to corporations to provide an incentive for employers to establish and operate child and dependent day care centers and programs for the children and dependents of their employees.

Committee on Ways and Means.

By Rep. Escott:

H. 381. To create and establish the state child care improvement board; to prescribe the purpose of and the authority, powers and duties of such board; specifically to place certain duties relative to the child care trust fund in the state treasury on the child care improvement board and to prescribe criteria for determining when and how much money from such fund shall be made available to local organizations for use in the improvement of child care; and to place additional duties and confer additional powers and authority on certain state departments.

Committee on Ways and Means.

By Rep. Escott:

H. 382. To establish the children's care trust fund in the state treasury for the primary purpose of encouraging the provision of child care improvement services and to provide for the continuous appropriation of moneys in such fund: to authorize and provide for additions to such fund by means of a fee on birth certificate reproductions and to prescribe certain duties for the state revenue department and the state treasurer in connection with such checkoff contributions: to provide for reimbursing the revenue department for the additional cost of collecting and handling such contributions: to regulate the use of the trust fund: to provide that the child care improvement board shall have access to and control over the fund and shall supervise and control the use of the assets of the fund: and to prescribe the effective date of this act.

Committee on Ways and Means.

By Rep. Escott:

H. 383. To provide for an income tax credit on state income tax liability for certain child and dependent care expenses incurred by individuals.

Committee on Ways and Means.

By Rep. Warren:

H. 384. To amend Sections 36-16-8 and 36-16-11, Code of Alabama 1975, relating to the inventory of state property, so as to further regulate the submission of inventory to the state auditor and the conducting of inventory.

Committee on State Administration.

By Rep. Warren:

H. 385. To amend Section 41-1-6, Code of Alabama 1975, relating to inventory of certain personal property by state agencies and departments, so as to provide for an annual inventory.

Committee on State Administration.

By Reps. Cosby, Flowers, and White (L):

H. 386. To amend Section 27-2-31, Code of Alabama, 1975, to permit the Commissioner of Insurance to levy a civil penalty of not more than \$10,000.00 for violations of the Insurance Code following and administrative hearing, provided that the fine shall in no case exceed 1% of the insurer's policy holders surplus.

Committee on Insurance.

By Reps. Flowers, Cosby, and White (L):

H. 387. Relating to surplus line insurance and unauthorized insurers and surplus line, further providing therefor; amending Sections 27-10-20 and 27-10-35 of the Code of Alabama 1975, so as to provide for a premium tax on certain life and disability insurance placed with certain companies not licensed to do business in Alabama; amending Section 27-10-24, Code of Alabama 1975, so as to provide further for licensing of life and disability resident agents as surplus line brokers and for increasing the bond liability sum requirements of surplus line brokers; amending Section 27-10-22 so as

to amend policy endorsement requirement; amending Section 27-10-26 of the Code of Alabama 1975 so as to provide further for eligibility requirements of certain non-licensed insurers for the placement of surplus line insurance and minimum capital and/or surplus or trust fund requirements; and to amend Section 27-10-31 of the Code of Alabama 1975 to exclude brokers from payment of surplus line tax on coverage insuring governmental entities and to further amend Section 27-10-35 of the Code of Alabama 1975 to exempt governmental entities from payment of surplus line tax, effective January 1, 1986.

Committee on Ways and Means.

By Reps. Cosby, White (L), and Flowers:

H. 388. To amend Section 27-4-2, Code of Alabama 1975, which provides for the collection of certain fees and licenses, so as to increase certain fees; to establish an Insurance Regulatory Trust Fund for the payment of the expenses of the Insurance Department; to provide that any appropriation to the Insurance Department for fiscal year 1985-86 from the state general fund shall be repaid into said general fund; and to provide for an effective date.

Committee on Ways and Means.

By Reps. Cosby, Flowers, and White (L):

H. 389. To amend Section 32-7-23, Code of Alabama 1975, which relates to uninsured motor vehicle liability insurance policies issued in this state, so as to provide for property damage coverage as part of said uninsured liability insurance policies; to provide for a deductible amount for such property damage coverage; and to provide that such deductible amount shall not apply in certain situations, effective January 1, 1986.

Committee on Insurance.

By Reps. Cosby, Flowers, and White (L):

H. 390. To amend Section 36-19-24 of the Code of Alabama 1975, relating to reports of fire losses on all property insured within the state so as to require such reports only on those fire losses where the loss exceeds the amount of \$500.00

Committee on Insurance.

By Reps. Flowers, Cosby, and White (L):

H. 391. To amend Section 36-19-41 and Section 36-19-43, Code of Alabama 1975, as amended, which relate to the furnishing of information of fire damages and losses, so as to provide that the state fire marshal, law enforcement agencies, and insurance companies will make available to each other certain information regarding fire losses of real or personal property.

Committee on Insurance.

By Reps. White (L), Cosby, and Flowers:

H. 392. To amend Section 27-19-38, Code of Alabama 1975, which provides for dependent coverage of newly born children in health insurance policies issued by nonprofit service corporations, so as to provide that all health insurance contracts issued by insurance companies doing business in this state shall provide coverage for such newly born children.

Committee on Insurance.

REGULAR SESSION
2nd Day

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By Rep. Coleman:

H. 393. To amend Code of Alabama 1975, § 28-3A-3 (being Section 3, Act No. 80-529, Acts 1980, known as the Alcoholic Beverage Licensing Code) to provide that manufacturer, importer, wholesaler and warehouse licenses may be renewed in a dry county or dry municipality where the county or municipality was wet when the initial license was issued and the county or municipality subsequently votes dry, and to prohibit the sale or distribution of alcoholic beverages within a dry county (except in wet municipalities) or a dry municipality.

Committee on State Administration.

By Rep. Dutton:

H. 394. To amend Section 41-490, Code of Alabama, 1975, as amended, to prohibit proration of salaries and fringe benefits as authorized by law.

Committee on Ways and Means.

By Rep. Dutton:

H. 395. To prohibit the deliberate falsification of certain school records and to establish penalties upon conviction.

Committee on Education.

By Rep. Dutton:

H. 396. To amend Sections 16-8-1 and 16-11-2, Code of Alabama, 1975, to require city and county school board members to be high school graduates (or the equivalent thereof) and to reside in the county or city of their election.

Committee on Education.

By Rep. Faulk:

H. 397. To provide that registration and polling places for state elections be accessible to handicapped and elderly individuals.

Committee on Constitution and Elections.

By Reps. Hooper, Coleman, Drake, Preuitt, Clark (J), Butler, Adams, Fuller, Kvalheim, Melton, Gaston, Starr, Harper, Bachus, McKee, Grouby, Venable, Mikell, Blakeney, Beers, Penry, McMillan, Faulk, Payne, Onderdonk, Hettinger, Harvey, Pratt, Junkins, Escott, Gray, White (G), Boles, Seibels, Perdue, Rogers, Biddle, Rice, Cosby, Buskey (James), White (L), Brooks, Flowers, Carter, Martin, Smith, Britnell, Laird, Warren, Starkey, Bugg, Burke, Carothers, Johnson (RG), Dutton, and Davis:

H. 398. To authorize the establishment of "enterprise zones," pursuant to federal tax and other incentives in order to promote job creation and economic development; providing for the duties and authority of the Alabama department of economic and community affairs, the Alabama industrial development board, the commissioner of the department of revenue, and the local governing bodies; providing the requirements for participation; providing for state and local tax and non-tax incentives; and providing, with respect to financing, for financial assistance to municipalities and individuals and businesses under any act of the Congress of the United States heretofore or hereafter enacted.

Committee on Ways and Means.

By Reps. Butler, Hall, Mathis, Grouby, Faulk, Onderdonk, Rains, Flowers, Beasley, Preuit, Blakeney, Richardson, Smith, White (F), Hooper, Warren, White (L), Mikell, McMillan, Carter, Brakefield, Turner, Biddle, Burke, Dutton, Beers, Rice, Laird, Crow, Bugg, Parker, Junkins, Newman, Lindsey, Venable, Hammett, Fuller, Harper, Pratt, Starr, Bachus, Trammell, Gray, Payne, Boles, White (G), Carothers, Johnson (RG), Bryant, Buskey (John), Thomas, Moore, Penry, Kennedy, Harvey, Coleman, Box, Zoghby, Blake, Reed, Turnham, Cosby, Britnell, and Brooks:

H. 399. To amend Section 40-12-248, Code of Alabama 1975, relating to license taxes and registration fees for trucks, so as to exempt certain trucks used by farmers from certain additional taxes and delinquent fees.

Committee on State Administration.

By Reps. Cosby, Flowers, Blake, Richardson, Venable, Brooks, Coleman, Hooper, Carter, Butler, Zoghby, Carothers, Grouby, Mikell, Onderdonk, Blakeney, Trammell, Moore, Payne, Martin, Gray, and Britnell:

H. 400. To amend Section 12-15-34, Code of Alabama 1975, so as to provide that a child 14 or more years of age may be transferred by the juvenile court for criminal prosecution as an adult for any crime; to provide that the finding of probable cause at the transfer hearing in the juvenile court shall preclude a further probable cause hearing in the criminal court; to provide that the criminal court may exercise any authority over the child, once transferred, that is otherwise applicable to adult offenders; to provide that transfer to the criminal court and conviction therein terminates jurisdiction of the juvenile court over such child with respect to any pending or subsequent criminal acts; and, to provide an effective date.

Committee on Judiciary.

By Reps. Grouby and Smith:

H. 401. To amend Code of Alabama, (1975) Section 41-16-107(a) by changing the department head designated to select the manner of selling certain timber on state lands.

Committee on State Administration.

By Reps. Grouby and Smith:

H. 402. To establish the Timber Theft Equipment Condemnation law of the State of Alabama and to further set forth a procedure whereby vehicles and equipment used in connection with timber theft may be condemned by appropriate authorities and the same sold or awarded by court order to the State Forester for use and enforcement of timber theft laws in the State of Alabama.

Committee on Judiciary.

By Reps. Bachus, Campbell, White (G), Tanner, Marietta, Box, Hettinger, Gray, Beers, and Brooks:

H. 403. To require all motor vehicle operators to have certain liability insurance coverage or financial security and to furnish proof of such coverage or security and to provide criminal sanctions for violating the provisions of this Act.

Committee on Insurance.

By Rep. Rains:

H. 404. To further amend Section 40-23-4, Code of Alabama 1975, as last amended relating to sales tax exemptions so as to repeal a certain partial exemption on the payment of such tax for certain blind vendors; to further amend Section 40-23-5, Code of Alabama 1975, relating to exemptions from certain state, county, and municipal sales and use taxes, so as to include certain blind vendors.

Committee on Ways and Means.

By Reps. McDowell and Bachus:

H. 405. To declare all instances and cases of adverse possession and prescription of real property null and void where the owner of record was current in payment of ad valorem taxes and to provide for the courts to reopen such cases; to void any doctrine and any statute providing for such adverse possession; and to provide that the provisions of this act shall be retroactive to January 1, 1885.

Committee on Judiciary.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Holmes:

H. R. 23. COMMENDING DR. T. J. JEMISON, PRESIDENT, NATIONAL BAPTIST CONVENTION, U.S.A.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:10 A.M. on February 7, 1985.

H. J. R. 4

H. J. R. 2

H. J. R. 3

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Johnson (Roy) and pursuant to the resolution, H. R. 22, heretofore adopted, the House adjourned until 3:00 o'clock p.m., Tuesday, February 12, 1985.

THIRD DAY

House of Representatives
Montgomery, Alabama
Tuesday, February 12, 1985

The House met pursuant to adjournment

PRAYER

The session was opened with prayer by William S. Rosasco, III, United Methodist Church, Lay Speaker, Milton, Florida.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the second legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark (J), the reading at length of the Journal of the House for the second legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the second legislative day was approved.

BILLS ON SECOND READING

Rep. Crow, acting Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 173. To further define the legal hours for the hunting of game birds and animals set forth in Chapter 11, Code of Alabama 1975, so as to limit

the legal hours for the hunting of game birds and animals to the period of daylight hours only; to define the term "daylight hours" in accordance with U.S. Naval Observatory publications; and to repeal all laws, rules and regulations in conflict herewith.

H. 341 To amend Section 9-11-257, Code of Alabama 1975, as last amended, relating to hunting within 100 yards of roads, highways, or railroads without permission from an adjacent landowner, so as to prohibit any person except a duly authorized law enforcement officer acting in the line of duty or person otherwise authorized by law, to hunt or discharge any firearm from, upon, or across any public road, public highway, or railroad, or their rights-of-way, logging railroads excepted; and to further prohibit any person to hunt within 100 yards of a public road, public highway, or railroad, or their rights-of-way, logging railroads excepted, with rifle or shotgun using slug or shot larger than standard number four in size, and to provide penalties for the violation thereof.

H. 355. To provide for graduated penalties for using oversized commercial shrimp trawls in the waters of Alabama of \$600.00 to \$900.00 upon conviction for the first offense, \$900.00 to \$1,200.00 for the second offense and \$1,200.00 to \$1,500.00 for the third and subsequent offenses during any two consecutive years. Trawls used during each offense may be confiscated and upon conviction be forfeited to the Department of Conservation and Natural Resources.

H. 356. To repeal Sections 9-12-86, 9-12-88, 9-12-89, 9-12-90, 9-12-91 and 9-12-114 Code of Alabama 1975 which provides for seven separate licenses required by seafood processors and dealers and to create a single Dealer/Processor license costing 100.00

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 102. To amend Section 11-45-8, Code of Alabama 1975, to include other like codes with those codes listed which may be adopted by ordinance and by reference under the authority and procedures of said section.

H. 112. To authorize any municipality or group of municipalities, either individually or collectively, to establish a health and accident self-insurance group for the purpose of providing health care and hospital benefits for their officers, employees and family members dependent upon such officers or employees; to authorize the use of public funds in providing such benefits; to provide procedures for the establishment and operation of such groups; to exempt such groups from the regulation by the Department of Insurance of the State of Alabama; to exempt such groups from insurance premium taxes; and to establish an effective date.

H. 214. To amend Section 11-43-40, Code of Alabama 1975, relating to the composition of city councils in cities having a population of 12,000 or more so as to provide for a procedure to establish a council of not less than four nor more than seven aldermen to be elected from districts and a council president to be elected at large.

H. 216. To provide an additional alternative procedure whereby incorporated municipalities in Classes 4, 5, 6, 7, and 8 of this state may alter their corporate limits to incorporate into their boundaries certain contiguous unincorporated territory upon petition of certain majority landowners of the

area sought to be annexed; to require the furnishing of certain municipal services as a condition to assessing ad valorem taxation in the annexed area.

H. 217. Incorporated municipalities shall be authorized to annex territory which lies and is located in, and which is presently within the corporate limits of such municipality and has been so enclosed for a period of five years or more; prescribing procedures for the annexation of such territory; prescribing procedures for municipal ad valorem taxation of such territory.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 85. To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in Pike County.

H. 127. To alter, rearrange and extend the boundary lines and corporate limits of the City of Atmore in Escambia County.

H. 128. Relating to Escambia County; abolishing the office of constable in such county.

H. 165. Relating to Randolph County; to provide that there shall be a referendum election in said county to determine whether or not the construction and maintenance of the county road system shall remain under the present district or beat line system or shall be constructed and maintained under a county unit system.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 166. (With Amendment): Relating to Randolph County; providing for a referendum on the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner; authorizing the legislature to set the compensation of such official by local law; repealing conflicting laws; providing for filing by candidates for county revenue commissioner and an election therefor; and providing for its effectiveness.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 168 To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Randolph County.

The above bill was read a second time at length as required by the Constitution.

H. 292 Relating to Randolph County; providing for a referendum on the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; repealing conflicting laws; providing for filing by candidates for

county revenue commissioner and an election therefor; and providing for its effectiveness.

H. 334 Relating to Blount County; to provide that all county commissioners shall serve full time; providing for compensation; and providing for effective date.

H. 339 To authorize and make provision for the incorporation in the City of Auburn of The Auburn Downtown Redevelopment Authority for the purpose of promoting trade and commerce by including commercial enterprises to upgrade, improve, modernize, and expand existing facilities and to locate new facilities in the central business district of Auburn; to define the area of such central business district; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of such Authority, its board of directors, and its officers; to authorize such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith whether or not now existing, suitable for use by any commercial enterprise provided that such property shall be located wholly within the Downtown Development Area herein defined; to authorize any such Authority to lease such property to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest bearing revenue bonds and other interest bearing securities payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to authorize the Authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state or local governments or allow them to use facilities or services or services of the Authority; to make loans to persons or entities for the costs of a project on such security and with such terms and conditions as the Authority deems appropriate; to provide for the employment by any such Authority of such officers, employees, contractors, consultants and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to require payments in lieu of taxes to be made by the Authority or the City; to receive the proceeds of municipal taxes levied for the Authority's purposes; to promote revitalization of the Downtown Development Area and make plans and proposals therefor; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments of various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority,

and to provide that any action or proceeding questioning the validity of such bonds, or any pledge mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state except for state ad valorem taxes; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, except for state sales and use taxes, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; and to authorize political subdivisions, agencies, instrumentalities and public corporations of the state to aid the Authority with loans or grants of money, the furnishing of services or the transfer of property to the Authority without any public election; and to require the treasurer to obtain a fidelity bond equal to the amount of any public funds held by the Authority.

H. 340. Relating to Covington County; to provide further for the compensation and mileage allowance of the coroner.

H. 345. Relating to Barbour County; legalizing the sale of draft or keg beer or malt beverages; and repealing conflicting laws.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Marietta, Onderdonk, Box, Campbell, Tanner, Fuller, and Coleman:

H. 406. To amend Sections 40-18-14(1) and 40-18-15(a)(18) to change the definition of alimony and to add provisions to sections 40-18-8 and 40-18-6 Code of Alabama deferring the recognition of gain on the transfers of property incident to a divorce and adjusting the basis of such property to reflect such deferral.

Committee on Ways and Means.

By Rep. Coleman:

H. 407. To provide further for additional retirement benefits for retired circuit judges who have served, or shall serve, a total of at least six years on fulltime active duty status with an appellate court of this state; to provide that such benefits shall be at the election of such retired circuit judge after completing such six years or more of such active duty status; to provide for the determination as to such judge's eligibility for such benefits; and to require that, before any such benefits may be paid, such retired circuit judge shall pay \$5,000,000 into the judicial retirement fund of this state.

Committee on Ways and Means.

By Rep. Warren (With Notice and Proof):

H. 408. To alter or rearrange the boundary lines of the Town of Excel, Monroe County, Alabama, so as to include in the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto in Monroe County, Alabama.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 408, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harvey:

H. 409. To amend Section 37-3-32 relating to Public Service Commission appropriations and increasing the registration fees of motor carrier vehicles.

Committee on Ways and Means.

By Rep. Harvey:

H. 410. To provide for the collection and payment of certain ad valorem taxes due and unpaid from owners of property by a tax exempt body and for the calculation and collection of current year taxes on a prorated basis from property owners by a tax exempt body and for payment of all such taxes so collected by the tax exempt body to the appropriate tax collector, by amending Sections 40-11-4, 23-1-207 and 18-1-19, Code of Alabama 1975.

Committee on Ways and Means.

By Rep. Moore:

H. 411. To exempt vitamins, minerals and dietary supplements, which are used, sold, furnished, dispensed or prescribed by any physician, as defined in this act, in the performance of his professional services from any city, county and state sales tax.

Committee on Ways and Means.

By Rep. White (L):

H. 412. To amend Section 17-4-156, Code of Alabama 1975, as amended, relating to the meeting days of the boards of registrars, so as to increase Tallapoosa County's board of registrars meeting days.

Committee on Local Legislation No. 1.

By Reps. Marietta, Trammell, Buskey (John), Fuller, and Tanner:

H. 413. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Department of Forensic Sciences as provided in Section 36-18-1 through 36-18-5 of the Code of Alabama 1975; with certain modifications; to amend Sections 36-18-1, 36-18-3 and 36-18-4, Code of Alabama 1975, so as to create a board which will supervise the functions of the department, to provide for the composition and terms of office of board members, to provide for the appointment by the board of a director of the department and for his salary and offices, and to grant rule-making powers to the board which are necessary to carry out their duties and functions.

Committee on State Administration.

By Reps. Albright and Crow:

H. 414. To provide for the establishment of a uniform plan of health insurance for employees and, under certain conditions, retired employees of employers participating in the employees' retirement system of Alabama under the provisions of Section 36-27-6, Code of Alabama 1975, as amended; to provide for the creation of the local employees' health insurance board, its authority, responsibilities, powers, and duties and the terms of its members; to prescribe the coverage which may be provided by said board and the method of funding the cost of said coverage; and to provide that the board upon certain findings, may develop a plan of self insurance.

Committee on Ways and Means.

By Rep. Johnson (Roy):

H. 415. To amend Sections 25-9-2, 25-9-7, 25-9-8, 25-9-9, 25-9-10, 25-9-12, 25-9-14, 25-9-15, 25-9-17, 25-9-18, 25-9-20, 25-9-24, 25-9-27, 25-9-29, 25-9-40, 25-9-60, 25-9-61, 25-9-80, 25-9-82, 25-9-83, 25-9-84, 25-9-88, 25-9-89, 25-9-90, 25-9-110, 25-9-111, 25-9-131, 25-9-150, 25-9-152, 25-9-171, 25-9-174, 25-9-191, 25-9-210, 25-9-230, 25-9-231, 25-9-250, 25-9-251, 25-9-252, 25-9-271, 25-9-272, 25-9-361 and 25-9-365, Code of Alabama 1975, relating to coal mine safety, so as to provide further for the regulations regarding the duties of mine inspectors, mine examination reports, accompanying of inspectors on inspections by representatives of miners, certificates of competency for fire bosses and mine foremen, the composition of the board of examiners so as to certify competency for fire bosses and mine foremen, the examination fees, the qualifications for fire boss; provides a penalty for uttering false statements on applications for certificates of competency; provides for suspension, cancellation or revocation of certificates of competency, the qualifications of mine foremen in underground mines, the schedule of mine inspections; provides a penalty for failure to report and correct unsafe conditions, for the possession of controlled substances in or around the mines, the use of protective clothing; provides further for accidents and disasters, for mine gases and ventilation, for explosives and blasting, for underground fire prevention and control, electrical equipment, roof support, hoisting and haulage, operation and maintenance of machinery, surface structures and practices, surface mining operations, sinking of bald shafts, and for enforcement of the provisions of this act.

Committee on Business and Labor.

By Rep. Johnson (Roy):

H. 416. To provide in addition to benefits now received, a retirement cost-of-living increase to all persons retired under the Employees' Retirement System of Alabama, prior to October 1, 1984, provided that no person whose retirement under the Employees' Retirement System is based on 51 percent or more service as an employee of an employer participating under Section 36-27-6, shall be entitled to receive said increase unless the employer by which he was employed elects to come under the provisions of this act; provided further that employees in this class whose employer was a local board of education or a state supported institution of higher education shall be entitled to said increase and, the cost associated therewith shall be financed from appropriations to the Employees' Retirement System under certain conditions; to provide that any person whose eligibility to receive Medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; to provide that such increase shall not apply

to persons receiving benefits under the Judicial Retirement Fund of Alabama; and to provide for the funding of the increases granted and the repeal of conflicting laws.

Committee on Ways and Means.

By Rep. Johnson (Roy):

H. 417. To amend Section 11-3-4.1, Code of Alabama, 1975, as amended, which relates to commissioners' minimum compensation so as to further provide for such compensation.

Committee on State Administration.

By Rep. Johnson (Roy):

H. 418. To require that group, individual, or blanket hospital or medical service contracts issued for delivery in this state which include mental services in the terms of the policies or contracts shall include reimbursement for services rendered by a duly qualified counselor of this state notwithstanding any provision of the policies or contracts to the contrary.

Committee on Health.

By Reps. Blakeney and Sasser:

H. 419. To amend Section §34-8A-2 and Section 34-8A-7, Code of Alabama 1975, which provides for the definition of Licensed Professional Counselor and for qualifications of applicants for professional counselor license so as to read as follows.

Committee on State Administration.

By Reps. Blakeney and Sasser:

H. 420. To amend §27-1-18 which is a contract providing for mental health services to entitle insured to reimbursement for outpatient and in-patient services by qualified psychiatrist or psychologist, so as to include clinical mental health counselors.

Committee on Ways and Means.

By Reps. Hooper, Starr, and McKee (With Notice and Proof):

H. 421. Relating to Montgomery County; to amend Act No. 353 of the Legislature of Alabama Regular Session 1875 to provide that notice of all special sessions of the Montgomery County Commission must be given to a newspaper published in the City of Montgomery.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 421, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Gaston and Kvalheim:

H. 422. To exempt judges, administrators and other court personnel from any criminal or civil liability arising out of self-inflicted injuries, wounds

or death of any juvenile detainee or inmate, under their jurisdiction or control, and in which such judge, administrator or court personnel has no action.

Committee on Judiciary.

By Reps. Mitchell, Laird, Melton, Grouby, Newman, Pratt, Holmes, Junkins, Reed, Crow, Butler, Moore, Turnham, Burke, Warren, Rice, Bryant, Buskey (John), Black, Blakeney, Davis, Onderdonk, Harper, Hooper, Thomas, Perdue, Dutton, Marietta, Johnson (RG), Albright, White (F), McDowell, Harvey, Mathis, Turner, Boles, Rains, Johnson (Roy), and Poole:

H. 423. To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 31, 1986.

Committee on Ways and Means.

By Reps. Mitchell, Brakefield, Melton, Poole, and Johnson (Roy):

H. 424. To amend Sections 16-59-1 through 16-59-4, Code of Alabama 1975, which provide for the State Fire College, so as to provide that the program shall be administered by the chancellor of postsecondary education, and to provide further for the maintenance of equipment.

Committee on Ways and Means.

By Reps. Mitchell, Melton, and Johnson (Roy):

H. 425. Levying certain taxes on water and wastewater production and usage by municipalities and private businesses; requiring the Alabama Department of Environmental Management to submit certain monthly reports on such production and usage to the State Department of Revenue which shall collect such taxes based on such reports; authorizing the State Department of Revenue to promulgate rules and regulations for the collection of such taxes; providing that the proceeds from such taxes shall be used for water and wastewater training programs at Shelton State Community College and providing penalty for failure to pay such taxes.

Committee on Ways and Means.

By Rep. Mitchell:

H. 426. To amend Section 40-9-19, Code of Alabama 1975, as previously amended, so as to define the types of local school taxes subject to the homestead exemption; and to provide an effective date for the Act.

Committee on Ways and Means.

By Rep. Mitchell:

H. 427. To provide further for group health insurance for certain retired employees receiving monthly benefits from the employees' retirement system of Alabama or from the teachers' retirement system; to amend section 36-29-10, Code of Alabama 1975, providing for the election by certain employees to continue coverage under the state employees' health insurance plan by the deduction of a portion of the premium for such coverage from their monthly benefit payments, so as to allow the state to assume a portion of the cost of such premium; and to provide appropriations to cover the state's portion of premiums under this act.

Committee on Ways and Means.

By Rep. Mitchell:

H. 428. To amend Section 9-17-24, Code of Alabama 1975, so as to provide for the collection of application fees for Natural Gas Policy Act of 1978 (NGPA) determinations; to provide that application fees for NGPA determinations are to be deposited into a fund known as the Alabama State Oil and Gas Board Special Fund to be appropriated to the State Oil and Gas Board for use in the performance of its powers and duties.

Committee on Ways and Means.

By Rep. Mitchell:

H. 429. To amend Sections 9-4-11 and 9-4-12, Code of Alabama 1975, so as to provide the state geologist with the authority to enter into agreements with the United States geological survey in the execution of cooperative geologic surveys of the State of Alabama.

Committee on Ways and Means.

By Reps. Penry and McMillan:

H. 430. To amend section 11-41-8, Code of Alabama 1975, so as to validate, in certain cases, municipal corporations attempted to be organized under the laws of this state which might be invalid because of any irregularity in the procedure for incorporation.

Committee on Local Government.

By Rep. McDowell:

H. 431. Relating to the abandonment of the commission form of government by any Class 5 municipality; providing for the adoption of a mayor-council form of government by ordinance with seven single-member districts and a mayor to be elected at large; providing for the establishment of boundaries of districts, providing for the election and term of office of the initial mayor and council; providing the election law to be applied in any such elections; providing for the salaries of the mayor and council; providing for reapportionment of council districts; providing for the preservation of other officers, their powers, duties, rights, privileges, and emoluments, for the preservation and transfer of all property owned by the municipality, all contracts in force, legal proceedings, and pension funds; and providing for the continuation of all subordinate agencies of the municipality and all ordinances.

Committee on Local Government.

By Rep. Browder:

H. 432. To provide for the appointment of one additional employee to serve as a confidential assistant in the clerk's office of the Court of Criminal Appeals, to provide for the duties of that employee, to fix the compensation and to make an appropriation for carrying out the provisions of this act.

Committee on Ways and Means.

By Rep. Browder:

H. 433. To amend Section 16-23-4, Code of Alabama, 1975, to increase the applicant fee paid for a certificate from \$10.00 to \$30.00.

Committee on Ways and Means.

By Reps. Browder and Crow:

H. 434. To provide that upon the death of a state employee his beneficiary shall be entitled to a payment of one-half of his accrued sick leave.

Committee on Ways and Means.

By Rep. Smith:

H. 435. To amend sections 36-21-68, 36-21-71, 36-21-74, and 36-21-76 of the Code of Alabama 1975, relating to the Alabama Peace Officers' Annuity and Benefit Fund, so as to eliminate purchasing of past service by new members of the fund; and to provide further for disability benefits and continued membership.

Committee on Ways and Means.

By Reps. Carothers and Beasley:

H. 436. To amend Section 12-17-61, Code of Alabama 1975, so as to provide that Houston County shall have two resident district court judges; to provide for the establishment and creation of said additional judgeship; to provide for the appointment of the first judge to fill said judgeship; to provide for the powers, duties and responsibilities of said additional judgeship; to provide for the salary of said judgeship; to provide an appropriation to the unified judicial system for the maintenance of said judgeship; and, to provide an effective date.

Committee on Ways and Means.

By Reps. Zoghby, Clark (W), Gaston, Kvalheim, Buskey (James), Kennedy, and Turner (With Notice and Proof):

H. 437. To further amend Section 1 of Act No. 82-374, H. 727, 1982 Regular Session of the Legislature (Acts 1982, p. 549), as amended by Act No. 84-828, H. 66, First Special Session 1984, which act relates to the Mobile County board of registrars, so as to provide further for the meeting dates of such board for voter registration and voter reidentification purposes.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 437, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Zoghby, Gaston, and Kvalheim (With Notice and Proof):

H. 438. Relating to Mobile County, to amend further Section 5 of Act No. 242, S. B. 79, 1876 of the general assembly approved February 15, 1876, which regulates public schools in the county, as last amended by Act No. 480, S. 485, 1969 Regular Session (Acts 1969, p. 937), which relates to the county board of education.

Committee on Local Legislations No. 3..

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 438, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

REGULAR SESSION
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By Reps. Zoghby, Clark (W), Gaston, Kvalheim, Buskey (James), Kennedy, and Turner (With Notice and Proof):

H. 439. To amend section 2 Act No. 181, H. 117, Regular Session 1957, (Acts 1957, p. 233), relating to Mobile County governing body, so as to require that each candidate for county commissioner must have resided within the district for which he qualifies a certain minimum period, and each county commissioner must reside within the respective district he represents during the term of office or forfeit the job.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 439, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Zoghby, Clark (W), Gaston, Kvalheim, Buskey (James), Kennedy and Turner (With Notice and Proof)

H. 440. Relating to Mobile County; authorizing the county commission to extend, by resolution, the meeting days of the board of registrars during certain months as merited by certain circumstances and providing that this act shall be retroactive to May 1, 1982.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 440, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Zoghby:

H. 441. Requiring insurers who issue or deliver property insurance policies in this state to offer as an option in such policies certain coverage for damage from water backing up through sewers and drains.

Committee on Insurance.

By Reps. Zoghby and Buskey (James) (With Notice and Proof):

H. 442. Relating to Mobile County; providing for additional volunteer deputy registrars; providing for their appointments upon the recommendation of the representatives and senators from Mobile County; providing that such volunteer deputy registrars shall serve without pay; and setting the terms concurrently with the legislator making the recommendation for said volunteer.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 442, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Zoghby, Kvalheim, Harper, Gaston and Box:

H. 443. To regulate certain activities relating to possession of and transactions in drug paraphernalia; to define certain terms relating to such

paraphernalia; to make it unlawful to engage in certain activities relating to such paraphernalia; to prescribe penalties for such unlawful acts and to repeal and supersede those provisions of Chapter 2, Title 20 of the Code of Alabama which heretofore regulated "drug related objects."

Committee on Judiciary.

By Rep. Grouby:

H. 444. To exempt the The Spinners, Inc., of Prattville, Alabama, from the payment of all state, county and municipal sales and use taxes; and to provide for its retroactive effect.

Committee on Ways and Means.

By Reps. Gaston and Kvalheim:

H. 445. To amend Section 13A-8-2 of the Code of Alabama 1975, relating to offenses involving theft so as to further define the crime theft of property to include the use of unlawful bank checks or drafts.

Committee on Judiciary.

By Reps. Holmes, Dutton, Buskey (John), Reed, Bryant, McDowell, Melton, Rogers, Davis, Perdue, Spratt, Newton, Thomas and Clark (W):

H. 446. To establish the Alabama Bureau of State Lotteries and provide for the administration and operation of a state lottery; to establish the Legislative Lottery Oversight Committee and the membership, their appointment, duties and authority; to create the office of the commissioner of the bureau of state lotteries; to prescribe the powers and duties of the bureau and the commissioner, and the appointment, qualifications and compensation for the commissioner; to regulate the licensing of agents and the sale of lottery tickets or shares; to provide for the collection of receipts operations and to perform other law enforcement activity therefor; upon certification of expenses, the department of public safety shall be reimbursed for actual expenses from lottery funds. It prohibits certain persons related to officers and employees of the bureau, and others to purchase lottery tickets or shares. It proscribes any state, county or local taxes from being imposed upon the proceeds of any prize awarded by the state lottery. Penalties for certain violations and crimes are prescribed. It will increase substantially the revenues for purposes of the general fund, medicaid, the special educational trust fund and a public works program. An initial appropriation is made for the start-up operations for the fiscal year in which the constitutional amendment authorizing lotteries is ratified. Said start-up monies shall be repaid to the state general fund.

Committee on Ways and Means.

By Reps. Junkins, Newman, Trammell, Pratt, Moore and Mitchell:

H. 447. To amend Section 16-25-14 of the Code of Alabama 1975, relating to benefits generally under the teachers' retirement system, so as to provide further for certain benefits under such system.

Committee on Ways and Means.

By Reps. White (G), Bachus, Brooks, Hooper, Payne, Gray, Zoghby, McKee, Mikell, Beasley, Gaston, McDowell, Starr and Beers:

H. 448. Relating to elections; to define the meaning of terms used in this Act; to establish the Alabama Fair Campaign Practices Commission and

to delineate the duties thereof; to provide for the designation and organization of a principal campaign committee by each candidate for election to state or county office; to designate the Secretary of State and the Judge of Probate as the recipients of reports and statements required to be filed by this Act; to provide for the registration of political committees (including the principal campaign committee of each candidate); to require that political committees established by corporations bear the name of the corporation; to provide for the reporting of contributions received and expenditures made by political committees; to provide for the designation of campaign depositories; to delineate the duties of the Secretary of State and Judge of Probate; to provide for the disbursement of campaign contributions in excess of expenditures; to provide for proper identification of campaign advertising; to exempt candidates receiving or expending less than \$1,000 from certain provisions of the Act; to prohibit the intimidation of voters, certain expenditures to influence voting, the deprivation of employment or other benefit for political activity, the publication or distribution of certain political statements, any contribution in the name of another, fraudulent misrepresentations of campaign authority, fraudulent campaign advertising, and coercion of contributions; to provide penalties for the violation of the provisions of the act; to require that certificates of election be withheld under certain circumstances; to repeal Chapter 22 of Title 17 of the CODE OF ALABAMA, 1975; and to provide severability and effective dates.

Committee on Ways and Means.

By Rep. Pratt:

H. 449. To amend Section 15-10-2, Code of Alabama 1975, which relates to when an officer may execute warrants and his authority to break and enter a dwelling, so as to provide that when an officer executes the warrant, he must make it known under what authority he is doing so.

Committee on Judiciary.

By Rep. Clark (J):

H. 450. To amend H. 9, enacted as Act No. 85-125, enacted at the First Special Session of the 1985 Alabama Legislature, which amended various provisions of Chapter 2 of Title 14 of the Code of Alabama 1975 relating to the Alabama Corrections Institution Finance Authority, in order to authorize the Authority to sell its bonds by private sale; and to permit bonds of the Authority to be sold with a maximum term of 30 years.

Committee on Ways and Means.

By Rep. Harper:

H. 451. To provide for the sacking and tagging of oysters taken from Alabama waters for commercial purposes; to prohibit the possession of empty oyster sacks with oyster tags attached thereto; to prohibit the sale, purchase or possession of oysters in violation thereof; to prescribe penalties for the violation thereof; and to provide for the purchase of oyster tags from the Department of Conservation and Natural Resources, and the use of the receipts therefrom.

Committee on Natural Resources.

By Rep. Coburn:

H. 452. To make appropriations for the support and maintenance of the Talladega College for the fiscal year ending September 30, 1986.

Committee on Ways and Means.

By Rep. White (L):

H. 453. To make appropriations for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1986.

Committee on Ways and Means.

By Reps. Beasley, Carothers, and Mathis:

H. 454. To exempt the Dothan Rescue Mission, Inc., a nonprofit corporation, from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Rep. Turner:

H. 455. To amend Section 40-18-19, Code of Alabama 1975, to provide for the exemption of retirement pay for firemen from state and local income taxes the same as retirement pay of school teachers, state employees, civil service retirees and peace officers.

Committee on Ways and Means.

By Reps. Hooper, McKee, and Starr:

H. 456. To amend Section 17-5-12 of the Code of Alabama 1975, relating to places of voting so as to provide that the county commission may designate a place of holding elections other than the courthouse in the precinct in which the courthouse is situated.

Committee on Constitution and Elections.

By Rep. Laird:

H. 457. To require the endorsement of approval of subdivision plats or maps utilizing onsite sewage disposal systems prior to the recording; to provide for the regulation of facilities for the disposal of human wastes before occupancy; to require the testing, bonding and licensing of onsite sewage disposal system installers; repairers, cleaners or maintainers and to require examination and fees; to require permit expiration; to require the state board of health to establish qualifications of persons to evaluate sites for subsurface sewage disposal systems, require the payment of testing and licensing to the state board of health; and regulations for the administration of this Act:

Committee on Local Government.

By Reps. Onderdonk and Newman:

H. 458. To amend further Section 9-17-13 of the Code of Alabama 1975, relating to the integration of separately owned tracts of land and development of same in drilling units, so as to provide that non-consenting owners in a pooled drilling unit shall be required to pay their proportionate share of the drilling and completion cost out of their share of production plus a charge for risk of 200% of the actual drilling and completion costs, this cost to be paid out of first production, and in the event production is not obtained in paying quantities, the operator of the well shall have no charge against the non-consenting owner or owners.

Committee on Judiciary.

By Rep. Onderdonk:

H. 459. To amend sections 40-12-221, 40-21-84, 40-21-104, 40-23-6, 40-23-66 and 40-26-1 of the Code of Alabama 1975, relating to procedures for making application for certain tax account numbers, so as to require that a certain application processing fee shall accompany such applications with the proceeds from such fees being deposited in the state general fund.

Committee on Ways and Means.

By Rep. Onderdonk:

H. 460. To amend Section 40-23-2 of the Code of Alabama 1975, relating to sales tax, so as to increase the tax levied on the sale of certain products sold through coin-operated dispensing machines.

Committee on Ways and Means.

By Rep. White (F):

H. 461. To amend Section 15-21-8, Code of Alabama 1975, which provides for writs of habeas corpus to be granted without delay, so as to provide certain exceptions.

Committee on Judiciary.

By Rep. Bryant:

H. 462. To make appropriations for the support and maintenance of the Marion Military Institute for the fiscal year ending September 30, 1986.

Committee on Ways and Means.

By Rep. Bowling (With Notice and Proof):

H. 463. To alter or rearrange the boundary lines of the Town of Good Hope, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto in Cullman County, Alabama.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 463, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Bowling (With Notice and Proof):

H. 464. To alter, or rearrange the boundary lines of the Town of Good Hope, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 464, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Gray, Payne, White (G), Bachus, and Beers:

H. 465. To further regulate the conduct of parimutuel betting so as to provide that no horse track or dog track at which parimutuel betting is permitted shall be constructed within three-quarters of one mile of any church, place of worship, school or perpetual care cemetery.

Committee on Local Government.

By Rep. Johnson (Roy):

H. 466. To amend section 32-5-17, Code of Alabama 1975, relating to the nuisance of casting a light from a motor vehicle on real property at night, so as to change the hours of its effect.

Committee on Natural Resources.

By Rep. Venable:

H. 467. To amend Section 35-10-8, Code of Alabama 1975, relating to how notices of mortgage foreclosure sales are made, so as to provide how the notice of sale is made when there is no newspaper published in the county.

Committee on Judiciary.

By Reps. Thomas, Buskey (James), Grouby, Black, Clark (W), Blakeney, Buskey (John), Holley, Holmes, Melton, McNair, Spratt, Perdue, Davis, McDowell, Clark (J), Reed, Kennedy, and Turner:

H. 468. Relating to voter registration; to require that a deputy registrar, which may be the probate judge or chief probate clerk, be available at the courthouse during all official hours in certain counties; and to require that the Board of Registrars be open ten days prior the registration deadline before each election.

Committee on Constitution and Elections.

By Rep. Payne:

H. 469. To amend § 40-23-15 of the Code of Alabama 1975 relating to delinquent sales taxes, so as to provide further for penalty by failure to make timely return and payment of sales tax due.

Committee on Ways and Means.

By Rep. Grouby:

H. 470. To amend Sections 36-25-1, 36-25-4, 36-25-6, 36-25-12, 36-25-14, and 36-25-15, Code of Alabama 1975, so as to delete the definition of "legislative employee"; add the definition of "statement of economic interests," and "thing of value," redefine "public employee" and "public official"; to provide further for the filing of statement of economic interests by public officials; to provide for the notification of candidacy of certain public officials; to remove the prohibition against investigating anonymous complaints and certain other complaints; to prohibit witnesses, complainants or informants from making public statements until an investigation is complete; to grant subpoena power to the commission; to prohibit certain officials and employees of regulatory agencies and certain public officials, employees and families from soliciting or accepting anything of value from certain persons or organizations.

Committee on State Administration.

By Rep. Reed:

H. 471. To make appropriations for the support and maintenance of the Tuskegee Institute for the fiscal year ending September 30, 1986.

Committee on Ways and Means.

By Rep. Reed:

H. 472. To provide for cost-of-living increases in the retirement benefits of retired employees of certain public hospitals and related facilities. The granting of such increases shall be at the option of the county governing body of the county in which such public hospital or related facilities existed and the cost thereof shall be paid by the county.

Committee on Ways and Means.

By Rep. White (L):

H. 473. To amend Sections 40-25-2 and 40-25-23 of the Code of Alabama 1975, relating to the levy of and collection and allocation of tobacco tax revenues, so as to provide an additional three cents per pack cigarette tax when the current temporary additional eight cents per pack federal tax expires, and to allocate a certain portion of such revenues from cigarettes for the purchase of indigent care.

Committee on Ways and Means.

By Rep. Parker:

H. 474. To provide that certain retirement income received from employment as a teacher in another state and survivor benefits derived therefrom shall be exempt from all state, county or city income taxes.

Committee on Ways and Means.

By Reps. Parker and Hettinger:

H. 475. To direct the Alabama Code Commissioner to make editorial changes in Chapter 5 of Title 25, Code of Alabama 1975, the workmen's compensation laws, by changing the words "workman" and "workmen" wherever such words appear to "worker" and "workers," respectively.

Committee on State Administration.

By Reps. Box, Tanner, and Starkey:

H. 476. To provide for the "Alabama Safety Belt Use Act of 1985;" to require front seat occupants of passenger cars to wear safety belts; to exempt certain persons from the provisions of this act; and to prescribe a penalty for violation of the provisions of the act.

Committee on Judiciary.

By Rep. Starkey:

H. 477. To amend Section 32-9-1, 32-9-3 and 32-9-20, Code of Alabama 1975, relating to motor vehicle sizes and weights so as to further regulate the sizes and weights of motor vehicles on highways in Alabama; to provide for enforcement by the state highway department; to provide for compliance with federal laws regulating same; and to further regulate exceptions and exemptions.

Committee on Highway Safety.

By Rep. Tanner:

H. 478. To amend Section 6-8-60, Code of Alabama 1975, which relates to the designation of the newspaper in which legal advertising and public notices may be published, so as to further define such newspapers.

Committee on State Administration.

By Reps. Spratt, Newton, Bachus, Rogers, Boles, Trammell, Davis, Gray, Escott, and Seibels (With Notice and Proof):

H. 479. Relating to Jefferson County; requiring the county commission to make certain office space provisions in the proposed new criminal justice building for certain personnel in the sheriff's department.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 479, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Bachus, Davis, Melton, Tanner, Poole, White (G), Gaston, Marietta, Trammell, and Beers:

H. 480. It is the purpose of this act to insure that all persons whose primary condition is mental retardation and are accused of a crime, be identified by appropriate testing procedures between the time of their arrest and first formal court appearance so that insofar as is possible within the existing criminal justice system, such individuals can be most fairly processed in view of their special problems.

Committee on Judiciary.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Sasser:

H. J. R. 24. COMMENDING BRYANT F. WILLIAMS OF OZARK, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE AND INVOLVEMENT.

WHEREAS, Bryant F. Williams, a native of Early County, Georgia, and a longtime resident of Ozark, is a prominent Alabama contractor who has distinguished himself through outstanding professional achievement and notable contributions in numerous areas of civic and community concern; and

WHEREAS, Mr. Williams has been a staunch supporter of engineering education through membership in the Capstone Engineering Society of the University of Alabama; he is a past director and president of the Alabama Roadbuilders Association and is a former longtime member and past chairman of the State Licensing Board for General Contractors; and

WHEREAS, numbered among Mr. Williams' many other involvements are his contributions to recreational activities in Ozark such as Little Boy's and Women's Softball Leagues and the Ozark Eagles Class D Minor League Team; and

WHEREAS, he is a charter member and past officer of the Ozark Rotary Club, sustaining member of the Boy Scouts of America, Corporate Member of the Association of the United States Army, past president of the Ozark Chamber of Commerce and a former vice-chairman of the Southeast Regional Planning and Development Board; and

WHEREAS, Mr. Williams further is a Deacon and Sunday School teacher in the Ozark First Baptist Church and has served as chairman of the Stewardship Committee and as president of the Board of Trustees; he also has served as Ozark City Councilman, chairman of the Dale County Commission and is a former director of the Bank of Ozark; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize and commend Bryant F. Williams of Ozark, Alabama, for extraordinary accomplishment and direct that he receive a copy of this resolution, executed in sincere appreciation, admiration and regard.

On motion of Rep. Sasser, the rules were suspended and the resolution, H. J. R. 24, was adopted.

Also:

By Rep. Starkey:

H. J. R. 25. COMMENDING THE UNA LIONS' BASKETBALL FANS.

WHEREAS, the Legislature of Alabama notes with highest praise the enthusiastic loyalty of the University of North Alabama basketball fans—faithful devotees whose ardent support has contributed greatly to the Lions' phenomenal success on their home court; and

WHEREAS, Flowers Hall, dubbed the "Big Yellow Icebox" by UNA fans, has been the site of the Lions' record-breaking 23-game home-win streak, achieved January 26, 1985, against the TSU Trojans; UNA further boasts an overall "win record" of more than 80% of their games played in Flowers Hall; and

WHEREAS, the solid support of their fans also is credited with North Alabama's selection as hosts for NCAA tournament games during four of the last seven seasons; the turn-out is traditionally large, most particularly for big conference games, averaging nearly 2,000 spectators per game; and

WHEREAS, it is further to be noted that the relationship between the Lions and their fans is one of mutual admiration with the cagers giving their best efforts in response to cheers from the crowd; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation of the University of North Alabama basketball fans whose support of the North Alabama Lions is a loyalty to be greatly admired and one which has helped UNA become one of NCAA Division II's most productive basketball programs.

On motion of Rep. Starkey, the rules were suspended and the resolution, H. J. R. 25, was adopted.

Also:

By Rep. Penry:

H. J. R. 26. COMMENDING ROBERT RAYMOND LAVENDER OF DAPHNE, ALABAMA, FOR DAUNTLESS HEROISM.

WHEREAS, the Legislature of Alabama, in highest commendation, does hereby recognize Robert Raymond Lavender of Daphne, Alabama, for outstanding heroism in the face of grave, personal danger; and

WHEREAS, a member of the Daphne Police Force since May 1974 and a trained medical technician and diver, Officer Bobby Lavender was a member of a rescue party responding to a distress call from fishermen stranded in Mobile Bay; the event occurred on January 20, 1985, during sub-freezing conditions complicated by high winds and a low tide; and

WHEREAS, upon arriving at the scene, Officer Lavender and other rescuers found that one fisherman had managed to reach shore but his companion, Elmer Scott, a diabetic, was stranded atop a log and was unable to move his legs; and

WHEREAS, Officer Lavender, due to tide conditions, was forced to walk with his upper torso across the rescue boat in order to reach the victim; he then extended an oar for Mr. Scott to use as a crutch to reach the boat and ultimate safety; and

WHEREAS, thus, it was through such self-possessed actions, presence of mind and extraordinary courage that Officer Bobby Lavender is credited with saving the life of Elmer Scott on January 20, 1985; and

WHEREAS, it is to be further noted, with highest praise, that Officer Lavender has on numerous other occasions responded with compassion and courage to come to another's aid; his concern for his fellowman is an attribute to be both emulated and greatly admired by all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby stand in tribute to Robert Raymond Lavender of Daphne, Alabama, for outstanding heroism, above and beyond the call of duty, and direct that he receive a copy of this commendatory resolution tendered in deep admiration and highest regard.

On motion of Rep. Penry, the rules were suspended and the resolution, H. J. R. 26, was adopted.

Also:

By Rep. Marietta:

H. J. R. 27. CONGRATULATING MR. AND MRS. WILLIAM PRYOR SLOAN ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden Wedding Anniversary, September 15, 1984, of Mr. and Mrs. William Pryor Sloan of Mobile, Alabama; and

WHEREAS, William Pryor Sloan and Eleanor Ruth Wilcox were joined in wedlock on September 15, 1934, in Honolulu, Hawaii, and these two fine people, forsaking all others, have remained in said Holy state for the past 50 years; and

WHEREAS, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their wedding vows, setting an enviable example for others; and

WHEREAS, in celebration of this milestone in their journey through life together, Mr. and Mrs. Sloan were honored at a gala reception hosted

by their daughter, Marjory Ann Sloan Werstak, and sons, Richard Pratt and William Marshall Sloan; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple, Mr. and Mrs. William Pryor Sloan of Mobile, Alabama, and wish them many more happy years together.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. and Mrs. Sloan that they may know of our congratulations and warm best wishes for the future.

On motion of Rep. Marietta, the rules were suspended and the resolution, H. J. R. 27, was adopted.

Also:

By Rep. White (G):

H. J. R. 28. COMMENDING GALATA HARTLEY FOR OUTSTANDING ACHIEVEMENT AND NOTABLE CONTRIBUTIONS TO HER PROFESSION.

WHEREAS, Miss Galata Hartley is a distinguished educator and school administrator whose professional career has been one of deep dedication and commitment to the furtherance and support of public education as a right and privilege of America's youth; and

WHEREAS, a graduate of Georgia Southern College with the B. S. degree and of George Peabody College for Teachers with the M. A. degree, Miss Hartley also holds Rank I certification from Peabody and has studied additionally on the graduate level at the University of Florida and Jacksonville State University; and

WHEREAS, Miss Hartley's eminent tenure as an elementary school teacher and principal began in 1938, ending with her retirement in 1978; she has since, however, been recalled to public service on four occasions and currently is principal of one of the larger elementary schools in Duval County, Florida; and

WHEREAS, among Miss Hartley's professional affiliations are her memberships in the National Education Association, National Association of School Principals, Phi Delta Pi and Alpha Delta Pi; she further is active in a number of civic and community affairs, most particularly directing her energies in service to Mayfair Baptist Church where she presently teaches Sunday School and is director of the Adult Training Program; and

WHEREAS, in recognizing Miss Galata Hartley for outstanding achievement and services, it is to be noted that she is indeed a shining example of a compassionate and understanding mentor whose dedicated labors have been of great positive influence on thousands of young boys and girls whose lives and accomplishments bear witness to her success; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Miss Galata Hartley as a distinguished educator and as a kind and loving friend to grateful generations of students whose lives she has molded in paths of honor and in the light of truth.

BE IT FURTHER RESOLVED, That Miss Hartley receive a copy of this resolution which we tender in deep admiration and warmest personal regard.

On motion of Rep. White (G), the rules were suspended and the resolution, H. J. R. 28, was adopted.

Also:

By Rep. Mikell:

H. J. R. 29. MOURNING THE DEATH OF ALBERT RINGO GRESHAM OF MILLBROOK, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of Albert Ringo Gresham of Millbrook, Alabama, on November 28, 1984, at the venerable age of 98 years; and

WHEREAS, though a native of Washington County, Georgia, and reared in Autauga County, Alabama, Mr. Gresham had resided in the Tri-Community of Millbrook, Robinson Springs and Coosada since 1915; he was an alumnus of Auburn University, a farmer, and a former employee of the Alabama State Highway Department for 17 years prior to his retirement in 1956; and

WHEREAS, Mr. Gresham, who was widely and affectionately known as "Pop," was truly a first citizen of his beloved community; he was a kind and courtly gentleman and a benevolent father figure to several generations of neighbors and friends; and

WHEREAS, Pop Gresham was generously blessed with such enviable attributes as a keen wit, radiant optimism, diligence and, above all, a deep and abiding compassion for others; and

WHEREAS, prompted through said concern for his community's needs, Pop Gresham was responsible for or involved in the progress of the area and its strides toward prosperity for the past 70 years; be it public works, recreation, charity, agriculture or civic involvement, Mr. Gresham was in the frontlines of support; and

WHEREAS, though active in all areas, Mr. Gresham was most particularly involved in service through his leadership and support of the Coosada Baptist Church and the Millbrook Men's Club; and

WHEREAS, in the death of Albert Ringo (Pop) Gresham, the Tri-Community of Millbrook, Robinson Springs and Coosada, as well as the entire State of Alabama, has lost a loyal citizen and friend; his is an insoluble loss to us all and a grief his family shares with a multitude of mourners; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death and give thanks for the life of Albert Ringo Gresham of Millbrook, Alabama, and direct that copies of this resolution be forwarded to his daughter, Julia Mae Gresham; sons, Leonard Sims and John Spiers Gresham; and other family members whose grief also is ours.

On motion of Rep. Mikell, the rules were suspended and the resolution, H. J. R. 29, was adopted.

Also:

By Rep. Gaston:

H. J. R. 30. COMMENDING WILLIAM K. SMITH OF CHICKSAW, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

WHEREAS, the Alabama Legislature notes with commendation the numerous civic, charitable and community activities and involvements of William K. Smith, Chickasaw, Alabama; and

WHEREAS, Mr. Smith, who is a retired electrician, devotes untold hours serving the needs of his community and helping those less fortunate than he; and

WHEREAS, as a 1971 recipient of the Chickasaw Citizen of the Year award, Mr. Smith was recognized for unselfish and notable contributions in the community and in professional and church-related work; and

WHEREAS, Mr. Smith, for many years, has taken active leadership roles in the Boy Scouts and Red Cross Blood Drive programs, PTA, and School Band Parents; and

WHEREAS, he further is an active member of Chickasaw United Methodist Church where he is a Sunday School teacher and has served in the past on the Board of Stewards and as Sunday School Director; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend William K. Smith of Chickasaw, Alabama, for outstanding community service, and direct that he receive a copy of this resolution of praise executed in deep appreciation, admiration and regard.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 30, was adopted.

Also:

By Reps. Gaston and Kvalheim:

H. J. R. 31. COMMENDING BETTY DUNN HENDRIX OF MOBILE, PROMINENT ALABAMA BANKER AND COMMUNITY LEADER.

WHEREAS, Betty Dunn Hendrix of Mobile, Alabama, has rendered distinguished service to the Banking Industry and is a prominent community leader with an admirable record of service in a number of areas; and

WHEREAS, Mrs. Hendrix, the 1984 State President of the National Association of Bank Women, also was named 1984 Boss of the Year by the Alabama Business Women's Association and is listed in the 1984-85 edition of Who's Who in the South and Southeast; and

WHEREAS, she also served, in 1983, on the Legislative Committee of the Mobile Chamber of Commerce and as secretary of Pilots Club International; and

WHEREAS, affiliated with the Bank Administration Institute from 1975 to the present, Mrs. Hendrix further has served as president, vice-president, secretary and treasurer of the Mobile Chapter of the American Business Women's Association and was the 1981 Outstanding AmSouth Bank Woman for the Mobile Area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly commend Betty Dunn Hendrix of Mobile, Alabama, for distinguished service to the Banking Industry and for outstanding community service.

BE IT FURTHER RESOLVED, That in token of our sincere warm praise and esteem, a copy of this resolution shall be forwarded to Mrs. Hendrix.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 31, was adopted.

Also:

By Reps. Zoghby, Kennedy and Marietta:

H. J. R. 32. COMMENDING KATHRYN C. COUMANIS, FIRST LADY OF MOBILE, 1984.

WHEREAS, the Alabama Legislature, in consensus of highest commendation, notes the selection of Kathryn C. Coumanis as First Lady of Mobile for 1984, a distinguished recognition of Mrs. Coumanis' longtime community contributions and support of the City of Mobile; and

WHEREAS, Mrs. Coumanis a licensed certified social worker in the State of Alabama, has experienced outstanding professional achievement in a field closely allied with her personal philosophy of the consuming need for strong family support systems in our society; and

WHEREAS, through her career with the Department of Pensions and Security, and now as a partner in a social services consultant firm in Mobile, Mrs. Coumanis has been instrumental in such worthy endeavors as the founding of the Penelope House shelter for battered women; she further has pursued the development of numerous other new programs and services responsive to the needs of neglected sectors of the community, and currently is seeking the establishment of a shelter for the elderly; and

WHEREAS, Mrs. Coumanis, who presently is working toward her doctorate in sociology through the University of Alabama, has been often honored previous to her most recent recognition as First Lady of Mobile; she has been acclaimed as Outstanding Career Woman of Mobile and is the recipient of such notable accolades as the Holcombe Community Service Award, National Humanitarian Award, Who's Who Among American Women, and the M. O. Beale Scroll of Merit, among others; and

WHEREAS, she is a member of the Annunciation Greek Orthodox Church, where she is a former Sunday School director and member of the Parish Council; her record of volunteerism in other areas also is a manifestation of her consuming desire to live and serve for others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Kathryn C. Coumanis of Mobile, Alabama, a distinguished Alabamian, in whom we take great pride and for whom a copy of this resolution shall be provided.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 32, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Hammett:

H. R. 33. COMMENDING ALICE CORNELIA LESLIE JONES FOR OUTSTANDING COMMUNITY SERVICE.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 3. COMMENDING MR. JOHN TEAGUE OF CHILDERSBURG AS LEGISLATOR OF THE YEAR.

Also:

S. J. R. 4. COMMENDING MR. ROY JOHNSON OF TUSCALOOSA AS LEGISLATOR OF THE YEAR.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

Also:

By Rep. Mikell:

H. J. R. 34. COMMENDING WILLIAM A. HORNSBY, MAJOR GENERAL, ALABAMA ARMY NATIONAL GUARD.

WHEREAS, the Legislature of Alabama, in consensus of commendation, extends heartiest congratulations to William A. Hornsby, Major General, Alabama Army National Guard, as the recent recipient of the Meritorious Service Medal for outstanding achievement; and

WHEREAS, General Hornsby, during presentation ceremonies, was cited by Lieutenant General Charles P. Graham, Commander of the 2nd U.S. Army, for having "significantly improved the quality of training in the Alabama Army National Guard"; and

WHEREAS, General Hornsby was appointed adjutant general in 1983 by Governor George C. Wallace, and it has been through his direct and personal involvement that local training facilities have been enlarged and improved to the degree that active training time, available to three armor battalions in Alabama, has more than doubled; and

WHEREAS, also under the direction of General Hornsby, the Alabama Army National Guard reached its highest level of strength in state history with personnel numbering 21,263 as of September 30, 1984; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend William A. Hornsby, Major General, Alabama Army National Guard, for outstanding and meritorious achievement, and direct that a copy of this resolution be forwarded to General Hornsby that he may be aware of the Legislature's sincere admiration and warmest personal regard.

On motion of Rep. Mikell, the rules were suspended and the resolution, H. J. R. 34, was adopted.

Also:

By Rep. Grouby:

H. J. R. 35. CLARIFICATION OF LEGISLATIVE INTENT CONCERNING DUTIES AND COMPENSATION OF MEMBERS OF AUTAUGA COUNTY COMMISSION.

WHEREAS, the Legislature passed and the Governor signed on May 21, 1984, H. B. 925 (Act No. 84-394, 1984 Acts, p. 904), relating to the duties and compensation of the members of the Autauga County Commission; and

WHEREAS, the act states, "Beginning with the next terms of office for the members of the Autauga County Commission, each member of said commission is hereby granted discretionary authority to assume and perform for his district certain additional duties and responsibilities which heretofore were administered by the district county commission foreman. Provided, however, if any such member elects to assume and perform such duties for his district, such member shall not during such time be engaged in any other business or employment for remuneration, salary or other compensation.

"In lieu of any salaries heretofore provided by law for the members of the Autauga County Commission, commencing with the next term of office, each member thereof shall be entitled to an annual salary of \$18,000 which shall be paid in equal monthly installments from the county general fund"; and

WHEREAS, the wording in the act leaves some question as to the intent of the Legislature concerning the members of the commission who are entitled to the compensation provided; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is the intent of the Legislature that only such member or members of the commission, who under the discretionary authority granted in the act elect to assume and perform the duties of the district county commission foreman and who comply with other conditions provided in the act, shall be entitled to an annual salary of \$18,000 in lieu of any salaries heretofore provided by law.

On motion of Rep. Grouby, the rules were suspended and the resolution, H. J. R. 35, was adopted.

Also:

By Rep. Johnson (Roy):

H. J. R. 36. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, February 12, 1985, we adjourn to meet again on Thursday, February 14; when we adjourn on Thursday, February 14, we adjourn to meet again on Wednesday, February 20; when we adjourn on Wednesday, February 20, we adjourn to meet again on Thursday, February 21; when we adjourn on Thursday, February 21, we adjourn to meet again on Tuesday, February 26; when we adjourn on Tuesday, February 26, we adjourn to meet again on Thursday, February 28; when we adjourn on Thursday, February 28, we adjourn to meet again on Tuesday, March 5; when we adjourn on Tuesday, March 5, we adjourn to meet again on Thursday, March 7; when we adjourn on Thursday, March 7, we adjourn to meet again on Tuesday, March 19; when we adjourn on Tuesday, March 19, we adjourn

to meet again on Thursday, March 21; when we adjourn on Thursday, March 21, we adjourn to meet again on Tuesday, March 26; when we adjourn on Tuesday, March 26, we adjourn to meet again on Thursday, March 28.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 36, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Teague:

S. J. R. 6. REPEALING REVENUE DEPARTMENT RULE NO. 810-5-2-.02 ENTITLED, "CERTIFICATE OF TITLE REQUIRED—CONTINUANCE OF RECORDED LEGENDS."

WHEREAS, Rule No. 810-5-2-.02, entitled "Certificate of Title Required—Continuance of Recorded Legends," requiring that any additional information on Certificate of Titles issued by other states be carried forward when transferred to a Certificate of Title issued in this state; and

WHEREAS, Alabama has many citizens of other states serving with the U. S. Armed Forces in Alabama, and many citizens of other states serving with out-of-state industries located in Alabama and many others are affected by this rule; and

WHEREAS, the Legislature finds that uniform treatment of all is desirable; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Rule No. 810-5-2-.02, Certificate of Title Required—Continuance of Recorded Legends, is hereby repealed.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Carter, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 6, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Dixon:

S. J. R. 7. DESIGNATING THE MONTH OF FEBRUARY 1985, AND EACH FEBRUARY THEREAFTER, "AMERICAN HISTORY MONTH" IN THE STATE OF ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 7, the title of which is set out in the above and foregoing Message from the Senate

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Denton:

S. J. R. 8. AMENDING ACT NO. 84-775, S. J. R. 58, WHICH CREATES THE JOINT INTERIM COMMITTEE ON COUNTY GOVERNMENT SO AS TO CONTINUE SUCH COMMITTEE.

WHEREAS, under the provisions of Act No. 84-775 the Alabama Legislature established the Joint Interim Committee to study county government in Alabama in the 1984 1st Special Session; and

WHEREAS, the Joint Interim Committee on County Government has proven to be an extremely important tool in determining needs of county government and establishing ways and means for the Legislature to deal with those needs; now therefore

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES CONCURRING, That Act No. 84-775, S. J. R. 58, is hereby amended as follows:

The last paragraph of Act No. 84-775, S. J. R. 58, which paragraph begins with the words "BE IT FURTHER RESOLVED" shall be deleted in its entirety and the following paragraph shall be inserted in lieu thereof:

BE IT FURTHER RESOLVED, that the Committee shall not consume more than forty-five (45) working days per annum in performing its functions and that its work be finished in time each year for the preparation of a preliminary report to be submitted during the first week of each Regular Session of the Legislature of Alabama and a final report to be submitted during each such Regular Session of the Legislature of Alabama and that as far as practicable that all meetings of the Committee be held in the State Capitol and be open to the public. The Secretary of the Senate or Clerk of the House is hereby required to provide one clerk, who shall be a competent stenographer, and the Committee is hereby empowered to employ such other personnel, including reporters and attorneys, as the Committee shall deem necessary. The Committee is hereby empowered and authorized to expend funds for the purpose of correspondence with prospective witnesses, in preparation of reports and in general expenses incident to the work of the Committee. Each member of the Committee shall be entitled to regular legislative compensation, per diem and travel expenses for each day he or she attends a meeting of the Committee which shall be paid out of the funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the Committee's chairman, provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session. The chairman of the Committee shall certify the sums due to the clerk or other employees of the Committee. The total amount of funds expended by the Committee

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in carrying out the study shall not exceed the sum of Fifteen Thousand Dollars (\$15,000.00) per annum. The Lieutenant Governor and the Speaker of the House shall jointly designate one of the members of the Committee as Chairman and one member to be Vice-Chairman. The Lieutenant Governor and the Speaker of the House shall be ex officio members of the Committee and shall receive compensation at the rate paid other members for each day that they sit with this Committee or in handling any other matters agreed upon by the Committee in line with the general purpose of the Committee.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 8, set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

LEAVE OF ABSENCE

At the request of Rep. Johnson (Roy), leave of absence was granted for Rep. Brakefield.

ADJOURNMENT

On motion of Rep. Johnson (Roy), the House adjourned until 10:00 o'clock a.m., Thursday, February 14, 1985.

FOURTH DAY

House of Representatives
Montgomery, Alabama
Thursday, February 14, 1985

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Tommy E. Turner, New Hope Baptist Church, Pell City, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas,

Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the third legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark (J), the reading at length of the Journal of the House for the third legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the third legislative day was approved.

REPORT FILED

Pursuant to the Act No. 1218, 1975 Acts of Alabama, Representative Nelson Starkey, Chairman, and Senator Earl Goodwin, Co-Chairman, submitted the report adopted by the Joint Highway Committee, and the report was ordered filed.

REPORT FILED

Pursuant to Act 79-816, Senate Joint Resolution 172 as Amended through Act 83-819, House Joint Resolution 28, Representative Tom Butler, Chairman, submitted the Report of the Joint Interim Committee To Study The Rising Costs of Medicaid To The State Of Alabama, and the Report was ordered filed.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Onderdonk:

H. R. 37. RECOGNIZING THE GENERAL FEDERATION OF WOMEN'S CLUBS-ALABAMA AND THE CONTRIBUTIONS THEREOF FOR PROMOTING COMMON INTERESTS IN ARTS, EDUCATION, MORAL AND SPIRITUAL VALUES, PHILANTHROPY, AND PUBLIC WELFARE THROUGHOUT OUR STATE AND NATION.

Also:

The following resolution was introduced:

By Rep. Onderdonk:

H. J. R. 38. RECOGNIZING THE GENERAL FEDERATION OF WOMEN'S CLUBS-ALABAMA AND THE CONTRIBUTIONS THEREOF FOR PROMOTING COMMON INTERESTS IN ARTS, EDUCATION,

MORAL AND SPIRITUAL VALUES, PHILANTHROPY, AND PUBLIC WELFARE THROUGHOUT OUR STATE AND NATION.

WHEREAS, the General Federation of Women's Clubs is recognized as the world's largest volunteer service organization for women; and

WHEREAS, the General Federation of Women's Clubs-Alabama with 8,000 members working through 325 clubs throughout our State has heretofore been recognized by the Alabama Legislature as being "A Power for Good"; and

WHEREAS, the 1984-86 General Federation of Women's Clubs-Alabama administration endeavors to maintain that reputation by providing statewide seminars in each of its six departments (arts, conservation, education, home life, international affairs and public affairs); and

WHEREAS, the General Federation of Women's Clubs-Alabama President's Public Affairs Seminar, being co-sponsored by Chevron U.S.A., Inc., emphasizes the importance of understanding the legislative process and being involved in it does exemplify the purpose of the President's project—to strengthen the power of volunteers through learning—thus increasing their ability to strengthen the State and to help keep America great; and

WHEREAS, the General Federation of Women's Clubs-Alabama has played a vital role through its federation clubs in local communities throughout our State in accomplishing common goals of service and community improvements; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the General Federation of Women's Clubs-Alabama for its accomplishments and hereby recognize the General Federation of Women's Clubs-Alabama as a "Continuing Power for Good" in our State and Nation.

BE IT FURTHER RESOLVED, That copies of this resolution be furnished to the General Federation of Women's Clubs-International President and to the Governor of the State of Alabama, The Honorable George C. Wallace.

On motion of Rep. Onderdonk, the rules were suspended and the resolution, H. J. R. 38, was adopted.

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 273. To create and establish a state land resources information center within the Lands Division of the Department of Conservation and Natural Resources; to prescribe certain data and information to be compiled by such center; to provide for the administration of such center; to provide for the recording of conveyances relating to land purchased or sold by the State of Alabama or any of its agencies; to provide for certified copies of such conveyances to be made and transmitted to the Lands Division of the Department of Conservation and Natural Resources; to appropriate funds from the Lands Management Fund to implement the provisions of this Act; and to repeal Act No. 81-562, H. 409, 1981 Regular Session, (Acts 1981, p. 946).

H. 61. To provide that persons over 65 years of age, disabled or blind who are entitled to certain ad valorem tax exemptions shall not be required to file an application for said exemption annually.

H. 264. To amend Section 36-27-16 of the Code of Alabama 1975, so as to provide for retirement of an employee covered under the state employees' retirement system upon the attainment of the age of 55 years and 25 or more years of creditable service and to provide for an appropriate reduction in retirement annuity for each year of service less than 30.

H. 275. To provide for emergency call boxes on Interstate Highway 65 between Montgomery and Mobile and appropriate necessary funds.

H. 64. To amend Sections 31-6-2, 31-6-4, 31-6-5 and 31-6-6, Code of Alabama 1975, relating to educational benefits for certain children or wives of certain deceased or disabled veterans or prisoners of war, so as to further provide therefor.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 87. (With Amendment): To amend Section 32-6-150, Code of Alabama 1975, which provides for the issuance of personalized motor vehicle license tags or plates, so as to provide for issuance of 9999 Troy State Commemorative tags, to be issued January 1, 1987, through October 31, 1987, for an additional charge, and to provide that the trustees of said University shall design or have designed such commemorative tag.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 58. To amend Section 9-13-82(a) of the Code of Alabama 1975, so as to provide for severance of forest products at an increased tax rate; and in addition to all other appropriations, to provide for a \$1,800,000.00 appropriation to the Alabama Forestry Commission from the general fund for the 1985-86 state fiscal year.

H. 59. To propose an amendment to the Constitution of Alabama 1901, to provide for the promotion of forest fire protection on forest lands within this state; to provide for the levying, collecting and distribution of assessments for costs; replacing or superceding certain local laws heretofore enacted; to provide for similar local forest fire protection and assessment programs, upon ratification by the voters of this amendment; and to authorize the legislature to provide funds for the administration of such forest fire protection program hereby enacted on a statewide basis.

The above bill was read a second time at length as required by the Constitution.

H. 60. To provide protection against forest fires within the state; to assess a part of the cost thereof against forest lands in the state, and to prescribe the procedure for levying and collecting such assessments; and to provide that it shall become effective upon ratification of constitutional amendment authorizing its provisions.

H. 450. To amend H. 9, enacted as Act No. 85-125, enacted at the First Special Session of the 1985 Alabama Legislature, which amended various provisions of Chapter 2 of Title 14 of the Code of Alabama 1975 relating to the Alabama Corrections Institution Finance Authority, in order to authorize the Authority to sell its bonds by private sale; and to permit bonds of the Authority to be sold with a maximum term of 30 years.

H. 193. To amend Section 25-5-59, Code of Alabama 1975, which provides for a waiting period for workmen's compensation purposes, so as to increase the percentage for unpaid compensation payments.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 393. To amend Code of Alabama 1975, § 28-3A-3 (being Section 3, Act No. 80-529, Acts 1980, Known as the Alcoholic Beverage Licensing Code) to provide that manufacturer, importer, wholesaler and warehouse licenses may be renewed in a dry county or dry municipality where the county or municipality was wet when the initial license was issued and the county or municipality subsequently votes dry, and to prohibit the sale or distribution of alcoholic beverages within a dry county (except in wet municipalities) or a dry municipality.

H. 126. To amend Section 36-27-16 of the Code of Alabama 1975, relating to retirement allowances under the employees' retirement system so as to provide further for such allowances.

H. 478. To amend Section 6-8-60, Code of Alabama 1975, which relates to the designation of the newspaper in which legal advertising and public notices may be published, so as to further define such newspapers.

H. 337. To amend Sections 32-9-1 and 32-9-20, Code of Alabama 1975, relating to motor vehicle sizes and weights, so as to further regulate the sizes and weights of motor vehicles on highways in Alabama; to provide for compliance with federal laws regulating the same; and to further regulate exceptions and exemptions.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 475. (With Substitute): To direct the Alabama Code Commissioner to make editorial changes in Chapter 5 of Title 25, Code of Alabama 1975, the workmen's compensation laws, by changing the words "workman" and "workmen" wherever such words appear to "worker" and "workers," respectively.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 384. (With Amendment): To amend Sections 36-16-8 and 36-16-11, Code of Alabama 1975, relating to the inventory of state property, so as to

further regulate the submission of inventory to the state auditor and the conducting of inventory.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 385. To amend section 41-1-6, Code of Alabama 1975, relating to inventory of certain personal property by state agencies and departments, so as to provide for an annual inventory.

H. 413. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Department of Forensic Sciences as provided in Sections 36-18-1 through 36-18-5 of the Code of Alabama 1975; with certain modifications; to amend Sections 36-18-1, 36-18-3 and 36-18-4, Code of Alabama 1975, so as to create a board which will supervise the functions of the department, to provide for the composition and terms of office of board members, to provide for the appointment by the board of a director of the department and for his salary and offices, and to grant rule-making powers to the board which are necessary to carry out their duties and functions.

H. 14. To amend Section 40-12-260 of the Code of Alabama 1975, relating to motor vehicle license registration, so as to provide for a late-fee penalty of \$15.00 for the late transferral of registration of license tags by the vehicle purchaser.

H. 299. To follow Section 9-17-10 of the Code of Alabama 1975, as amended, which pertains to the employment of personnel by the State Oil and Gas Board. To permit the employees of the State Oil and Gas Board to teach courses which are related to the study of geology at the state's colleges and universities. To regulate the time during which such teaching shall be permitted and to provide compensation shall be for same. To provide from what funds such compensation shall be paid and the conditions under which it shall be paid. To provide an effective date for this act.

H. 417. To amend Section 11-3-4.1, Code of Alabama, 1975, as amended, which relates to commissioners' minimum compensation so as to further provide for such compensation.

H. 401. To amend Code of Alabama, (1975) Section 41-16-107(a) by changing the department head designated to select the manner of selling certain timber on state lands.

Rep. Grayson, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 83. To provide that residents of any municipality that encompasses property in two or more counties may attend any public school located within the municipality.

H. 213. To amend Section 16-36-2, Code of Alabama, 1975, so as to provide for increased classroom teacher representation on the State Textbook Committee.

H. 294. To prohibit discrimination in pay on the basis of sex by all colleges.

H. 205. To amend Sections 16-25-14 and 36-27-16, Code of Alabama 1975, relating to teachers' and employees' retirement systems, so as to provide for the choice between a lump sum death benefit and a monthly survivor allowance on account of the death of a member of the teachers' or employees' retirement system who is eligible for service retirement at the time of the death of said member.

H. 323. To amend Section 16-10-1, Code of Alabama 1975, so as to eliminate the requirement that local school trustees must be appointed by the county board of education.

Rep. Onderdonk, Vice-Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 248. To provide a test for determining whether a person is not guilty by reason of insanity; to establish that a defendant has the burden of proving insanity; to amend Code of Alabama 1975, Section 13A-3-1; to specify the conduct to which this act applies; and to provide for an effective date.

Rep. Onderdonk, Vice-Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 443. (With Amendment:) To regulate certain activities relating to possession of and transactions in drug paraphernalia; to define certain terms relating to such paraphernalia; to make it unlawful to engage in certain activities relating to such paraphernalia; to prescribe penalties for such unlawful acts and to repeal and supersede those provisions of Chapter 2, Title 20 of the Code of Alabama which heretofore regulated "drug related objects."

Rep. Onderdonk, Vice-Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 75. To amend Sections 13A-6-60 and 13A-6-64, Code of Alabama 1975, relating to sexual offenses in the criminal code, so as to define the crime of bestiality and to prescribe penalties for the commission of such crime.

H. 282. To amend section 15-10-3 of the Code of Alabama 1975, relating to arrest without warrant, so as to provide further for situations and circumstances in which such arrests may be allowed.

H. 281. Providing immunity from civil liability for certain law enforcement officers making arrests without warrants under the authority of Section 15-10-3(6) of the Code of Alabama 1975.

Rep. Onderdonk, Vice-Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with

amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 104. (With Amendment): To amend Section 13-A-10-10 of the Code of Alabama 1975, relating to the crime of impersonating a public servant, so as to further define said crime and to increase the penalties for violation.

Rep. Onderdonk, Vice-Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 63. To define and set the punishment for the crimes of: unlawful distribution of controlled substances in the first, second, and third degree; unlawful possession of a controlled substance in the first, second, and third degree; unlawful possession of marihuana in the first and second degree; unlawful possession of narcotic paraphernalia; to provide for forfeitures and seizures; to amend Code of Alabama 1975, §§20-2-2, 20-2-32, 20-2-72, 20-2-80, 20-2-81, and 20-2-93; to provide for the incorporation of Act No. 82-426, "The Imitation Controlled Substances Act," into this act; to provide for the incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal Code of Alabama 1975, §§20-2-70, 20-2-73, 20-2-75, and any and all other laws or parts of laws that conflict with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to repeal such laws; to specify the conduct to which this act applies; to provide for severability; and, to provide an effective date.

H. 318. To amend Section 27-29-3, of the Code of Alabama 1975, which relates to the acquisition of control of, or merger with, domestic insurance companies in this state, so as to prevent the acquisition of control without the Insurance Commissioner's approval of an Alabama domiciled insurer through the purchase of said insurer's authorized but unissued voting stock.

H. 86. To amend Sections 25-8-4, 25-8-8, and 25-8-16, Code of Alabama, 1975, so as to bring Alabama's Child Labor statutes into agreement with existing Federal regulations pertaining to working hours of children under age sixteen and establishes additional specific working hours for certain children enrolled in school and also provides for exemptions to established work hours.

H. 370. To provide for the enforcement of support obligations of other states and territories by providing a procedure for the withholding of income derived in this state; to provide that income withholding be sought in other states and territories to enforce the support orders of this state; to provide a procedure for the initiation of income withholding in another state or territory; to provide for the registration of a support order of another state or territory by the clerk of the court of this state for the purpose of income withholding; to provide notice to the obligor of the registration of the order of another state or territory; to provide the obligor with an opportunity to be heard at hearing to contest the proposed income withholding and to provide for defenses which may be raised by the obligor at the hearing; to provide for the issuance of the income withholding order; to provide for notice to the employer of income withholding; to provide for the distribution of collected support payments; to provide for the modification of income withholding orders; to provide a procedure for notifying another jurisdiction of a change in the obligor's employment status; to provide for voluntary

income withholding by the obligor; to provide for the choice of law in matters related to the issuance, enforcement, and duration of the income withholding order; and to provide for the waiver of filing fees when proceedings are brought by or through the Department of Pensions and Security.

H. 371. To provide an additional or alternative remedy to any other remedy provided by law for the enforcement of a duty to support where said duty arises pursuant to a foreign support order by providing a procedure whereby such support orders may be ratified and enforced in Alabama's courts.

H. 40. To amend Section 12-14-5, Code of Alabama 1975, which Section relates to the bail of persons charged with violations of municipal ordinances and to amend Section 12-14-70, Code of Alabama 1975, as amended, which Section relates to appeals to the circuit court from judgments of municipal courts; to establish an effective date.

H. 458. To amend further Section 9-17-13 of the Code of Alabama 1975, relating to the integration of separately owned tracts of land and development of same in drilling units, so as to provide that non-consenting owners in a pooled drilling unit shall be required to pay their proportionate share of the drilling and completion cost out of their share of production plus a charge for risk of 200% of the actual drilling and completion costs, this cost to be paid out of first production, and in the event production is not obtained in paying quantities, the operator of the well shall have no charge against the non-consenting owner or owners.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 451. To provide for the sacking and tagging of oysters taken from Alabama waters for commercial purposes; to prohibit the possession of empty oyster sacks with oyster tags attached thereto; to prohibit the sale, purchase or possession of oysters in violation thereof; to prescribe penalties for the violation thereof; and to provide for the purchase of oyster tags from the Department of Conservation and Natural Resources, and the use of the receipts therefrom.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 466. (With Amendment): To amend section 32-5-17, Code of Alabama 1975, relating to the nuisance of casting a light from a motor vehicle on real property at night, so as to change the hours of its effect.

Rep. Reed, Chairman of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 198. To amend section 38-2-6.1, Code of Alabama 1975, which provides for the office of state parent locator, so as to provide the office with the authority to locate parents, putative parents, or children in cases of parental kidnapping or child custody disputes and providing that location

information may be obtained from the Department of Revenue and private employers.

Rep. Laird, Chairman of the Standing Committee on Small Business, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 221. To permit small businesses and individuals to recover the costs of defending against a state agency when they prevail in court upon appeal.

H. 167. To amend the title and Sections 1, 2 and 3 of Act No. 84-619, S. 460, of the 1984 Regular Session (appearing as section 41-4-33.2 in the Cumulative Supplement to the Code of Alabama 1975) relating to loaning of state owned surplus property to certain volunteer entities, so as to provide that such property may be loaned to volunteer fire departments.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 315. Pertaining to Limestone County; for purposes of clarification to provide that all county commissioners of Limestone County shall devote their entire time to the performance of the duties of their offices.

H. 408. To alter or rearrange the boundary lines of the Town of Excel, Monroe County, Alabama, so as to include in the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto in Monroe County, Alabama.

H. 412. To amend Section 17-4-156, Code of Alabama 1975, as amended, relating to the meeting days of the boards of registrars, so as to increase Tallapoosa County's board of registrars meeting days.

Rep. Holmes, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 2. (With Substitute): To prohibit persons without a proper decal from parking a motor vehicle in certain handicapped parking places and providing criminal penalties for violating the provisions of this act.

Rep. Boles, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 234. To alter and rearrange the boundaries of the City of Gardendale, Alabama, to include within the corporate limits of such city certain described territory, and only the territory within the rearranged boundary described.

H. 233. To alter and rearrange the boundaries of the City of Fultondale, Alabama, to include within the corporate limits of such city certain described territory, and only the territory within the rearranged boundary described.

Rep. Boles, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with

substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 235. (With Substitute): To alter and rearrange the boundaries of the City of Birmingham to include within the corporate limits thereof, all territory now within such corporate limits thereof and also certain additional territory described by metes and bounds.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 176. (With Amendments): To amend Sections 1, 2, 6, 8, 9, 10, 11, 13, 14, 16, 23, 24, 28 and 29 of Act No. 243, H. 278, of the First Special Session of 1964 (Acts 1964, p. 326) as amended, which provided for the pension and relief system for policemen and firemen of the City of Mobile, Alabama, so as to provide for the qualifications for membership in such system; for the designation of a special fund for certain payments by insurance companies to the system; for a financial consultant for such system; for the composition, powers and duties of the board of directors of such system; for a full-time secretary for such system; prohibiting the garnishment of pension funds; for eligibility and participation; for procedures for reimbursement from the city for certain pensions relating to work related disabilities; for computing certain pensions; for allowances to surviving spouses; for the transition of duties and responsibilities between the City of Mobile and the Board; for the procedure on appeal from a decision of the Board; for certain options in electing benefits under such system; for cost-of-living increases in pensions under such system and to specifically repeal Sections 15 and 22 of said act.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 175. To amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939 (Local Acts 1939, page 298), which creates and establishes the County-wide Civil Service System in Mobile County, as amended by Act No. 684, H. 594 of the Regular Session of 1976 (Acts of Alabama 1976, page 939), so as to authorize each the presiding judge of the Circuit Court and the presiding judge of the District Court to designate members in their place on the Supervisory Committee of the Mobile County Personnel Board, and to provide for the election of a chairman of the said Supervisory Committee.

H. 177. Relating to Mobile County; establishing a branch of the license commissioner's office in the City of Citronelle.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 179. (With Amendments): To provide a supplement to the salaries of circuit court bailiffs in the Thirteenth Judicial Circuit.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following

bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 180. Relating to the City of Citronelle, Mobile County, to provide for the payment of certain oil and gas tax proceeds to the volunteer rescue squad and the historical society and to create a board to determine said allocation.

H. 178. Relating to Mobile County; to authorize and empower the county commission to promulgate and implement rules and regulations to prevent erosion and commercial development in approved residential subdivision developments in the county and to provide for civic remedy for enforcement of such rules and regulations.

H. 208. Relating to the City of Mobile; amending Section 22 of Act No. 243, H. 278, 1964 First Special Session (Acts 1964, p. 326), relating to the pension and relief system for police and fire department members, so as to allow any member of the system to withdraw from participation at any time.

H. 210. Relating to the City of Prichard in Mobile County, Alabama; prescribing procedure for filling a vacancy in the office of mayor in such city.

H. 211. To provide for an adjustment in certain benefits paid under the pension and relief system for policemen and firemen of the City of Mobile to retired members of such system who retired after October 1, 1977, and before May 4, 1978.

H. 212. Relating to Mobile County; prescribing procedure for filling certain vacancies on the county commission.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 184. (With Amendment): Relating to Mobile County; exempting all real and personal property owned and used as community centers, ball parks and recreational facilities by nonprofit businesses and corporations from all county ad valorem taxation.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 185. (With Amendment): To amend Section 1 of Act No. 319, H. 593, of the 1976 Regular Session (Acts 1976, p. 353), which provided for a mosquito, rodent and other vector control ad valorem tax in Mobile County, so as to provide further for certain exemptions from such tax.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 187. To prohibit the use of red clay or similar type soils on the beaches of Dauphin Island in Mobile County and to prescribe certain penalties.

H. 188. Relating to the Mobile County Solid Waste Management Program and the residence, appointment and number of the Solid Waste Management Advisory Board; amending Section III of Act No. 81-450, H. 825, of the 1981 Regular Session (Acts 1981, p. 773) therefor; making the provisions retroactive to any term effective after January 20, 1985.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 190. (With Amendment): Relating to Mobile County; requiring the county governing body to pay from the county general fund, or any fund designated for roads and bridges, the expense of relocating certain water pipes and lines, owned by rural water or municipal water systems when outside of the municipalities' police jurisdiction, as a result of certain public roads maintenance, construction, bridge repair or replacement; and repealing conflicting laws.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 191. Relating to Mobile County; to provide that whenever Mobile County, or any agency of the county, is a party to any real estate transaction, the names of all the other parties and shares, if a corporate entity, must be placed in the minutes of the county commission's meetings thirty days prior to the date of the transaction.

H. 192. Relating to Mobile County; to require all polling places to remain open between the hours of 7:00 A.M. and 6:00 P.M. at all state and local elections held in the county.

H. 136. To provide for the filing for record and the preservation of all orders and decrees made and entered by any Judge of the Circuit Court of the 13th Judicial Circuit.

H. 182. Relating to Mobile County; to provide further for the disposition and use of the funds received by Mobile County under the provisions of Title 40, Chapter 20, Article 1, Code of Alabama 1975, as amended, providing for the levy of a privilege tax on the production of oil and gas; and to specifically repeal Act No. 870, H. 1517, Regular Session 1975 (Acts 1975, p. 1714), providing further for the disposition and use of a certain portion of the funds received by Mobile County from an oil and gas severance tax, and all other laws or parts of laws in conflict herewith.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 189. (With Substitute): Relating to Mobile County; providing that any political subdivision or agency of such subdivision within the county shall solicit competitive bids when leasing any warehouse, storage, shop, office space or land from or to any individual, association, corporation, partnership or other business entity and prescribing certain bid procedures.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 437. To further amend Section 1 of Act No. 82-374, H. 727, 1982 Regular Session of the Legislature (Acts 1982, p. 549), as amended by Act No. 84-828, H. 66, First Special Session 1984, which act relates to the Mobile County board of registrars, so as to provide further for the meeting dates of such board for voter registration and voter reidentification purposes.

H. 438. Relating to Mobile County, to amend further Section 5 of Act No. 242, S. B. 79, 1876 of the general assembly approved February 15, 1876, which regulates public schools in the county, as last amended by Act No. 480, S. 485, 1969 Regular Session (Acts 1969, p. 937), which relates to the county board of education.

H. 439. To amend section 2 of Act No. 181, H. 117, Regular Session 1957, (Acts 1957, p. 233), relating to Mobile County governing body, so as to require that each candidate for county commissioner must have resided within the district for which he qualifies a certain minimum period, and each county commissioner must reside within the respective district he represents during the term of office or forfeit the job.

H. 440. Relating to Mobile County; authorizing the county commission to extend, by resolution, the meeting days of the board of registrars during certain months as merited by certain circumstances and providing that this act shall be retroactive to May 1, 1982.

H. 442. Relating to Mobile County; providing for additional volunteer deputy registrars; providing for their appointments upon the recommendation of the representatives and senators from Mobile County; providing that such volunteer deputy registrars shall serve without pay; and setting the terms concurrently with the legislator making the recommendation for said volunteer.

REPORT FILED

Pursuant to Act 79-550, Act 80-443, Act 81-499, Act 82-379 and Act 84-711, of the State of Alabama, Representative Charles B. Martin, Chairman, submitted the report of the Joint Interim Committee on Municipal Government, and the report was ordered filed.

H. 413. RECOMMITTED

On motion of Rep. Carothers, the Speaker recommitted the bill, H. 413, to the Standing Committee on State Administration.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Pratt, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG),

Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 39. MOURNING THE DEATH OF JESSE K. EDWARDS OF BESSEMER, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of Jesse K. Edwards of Bessemer, Alabama, on January 26, 1985, at the age of 86 years; and

WHEREAS, Mr. Edwards, one of our State's most prominent public servants, was a former four-term member of the Alabama Legislature and also served, for 25 years, as the Mayor of Brighton; and

WHEREAS, a veteran of World War I, Mayor Edwards was a lifelong member of the American Legion and was a former member of the board of directors of First Federal Savings and Loan of Bessemer and the First National Bank of Bessemer; and

WHEREAS, he further was a charter member of the Southern Cemetery Association, a founder of Valhalla Cemetery and Edwards Realty of Bessemer, and was a member of the Bessemer First Christian Church; and

WHEREAS, the death of Jesse K. Edwards has indeed left a deep void in the hearts of his family and many friends, and in the lives of those within the community, and in the State of Alabama, whom he served faithfully, long and with highest distinction; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Jesse K. Edwards of Bessemer, Alabama, and extend our most heartfelt sympathy to his family, whose sorrow also is ours and for whom a copy of this resolution shall be provided.

On motion of Rep. Pratt, the rules were suspended and the resolution, H. J. R. 39, was adopted.

Also:

By Rep. Pratt:

H. J. R. 40. COMMENDING PLEASANT GROVE HIGH SCHOOL VARSITY AND JUNIOR VARSITY CHEERLEADERS.

WHEREAS, the Alabama Legislature, in pleased commendation, extends heartiest congratulations to the Pleasant Grove High School cheerleaders who placed first in rankings during recent Southeastern Regional Cheerleading Competition in Saint Petersburg, Florida; and

WHEREAS, as regional champions, the sixteen-member team will now compete on the national level, the third Pleasant Grove High School squad in four years to qualify for participation in National Championship competition; and

WHEREAS, under the talented direction and leadership of Miss Dottie Cole, cheerleader sponsor, the Pleasant Grove team, composed of both varsity

and junior varsity cheerleaders, will travel to Orlando, Florida, March 1-9, 1985, to be once again judged on such criteria as technique, gymnastics, cheers, pom-pom routines and dances, among others; and

WHEREAS, the Pleasant Grove Champion cheerleaders indeed are to be most highly commend on their accomplishments and for the dedication of their efforts in regional and national representation of their school and the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express sincere and highest praise of the Pleasant Grove High School cheerleaders and direct that copies of this resolution be forwarded to Miss Cole for appropriate presentation and display.

On motion of Rep. Pratt, the rules were suspended and the resolution, H. J. R. 40, was adopted.

Also:

By Rep. Zoghby:

H. J. R. 41. PETITIONING THE CONGRESS TO RELIEVE THE STATES FROM THE BURDEN OF COLLECTING SOCIAL SECURITY TAXES FROM POLITICAL SUBDIVISIONS AND THEIR INSTRUMENTALITIES.

WHEREAS, Act No. 48, Fifth Special Session 1950, effective November 1, 1950, did authorize the State of Alabama and its political subdivisions to participate in the Federal Social Security Program; and

WHEREAS, by contractual agreement the State of Alabama became the collection agency and assumed total liability for all political subdivisions and their instrumentalities; and

WHEREAS, the Congress saw fit to accelerate payments from a quarterly to a monthly basis on July 1, 1980, and from a monthly basis to a semi-monthly basis on January 1, 1984; and

WHEREAS, by said acceleration of payments the states have been deprived of interest earnings on the pass through of these collections and have been forced to underwrite the expense of collection; therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Congress transfer the administration of this program from the states to the Internal Revenue Service for collection and audit, and that copies of this resolution be sent to the Alabama congressional delegation, the Social Security Administration, and the Director of Internal Revenue.

On motion of Rep. Zoghby, the rules were suspended, and the resolution, H. J. R. 41 was adopted.

Also:

By Rep. Turner:

H. J. R. 42. CONGRATULATING MR. AND MRS. CARL WELFORD ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden Wedding Anniversary, February 14, 1985, of Mr. and Mrs. Carl Welford of Citronelle, Alabama; and

WHEREAS, Carl Welford and Ruby Reeves were joined in wedlock on February 14, 1935, in Leaksville, Mississippi, and these two fine people, forsaking all others, have remained in said Holy state for the past 50 years; and

WHEREAS, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their wedding vows, setting an enviable example for others; and

WHEREAS, in celebration of this milestone in their journey through life together, Mr. and Mrs. Welford were honored at a gala reception hosted by their daughter, Minor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple, Mr. and Mrs. Carl Welford of Citronelle, and wish them many more happy years together.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. and Mrs. Welford that they may know of our congratulations and warm best wishes for the future.

On motion of Rep. Turner, the rules were suspended and the resolution, H. J. R. 42, was adopted.

Also:

By Reps. Turner, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 43. COMMENDING RILEY SMITH, MOBILE, ALABAMA

WHEREAS, Riley Smith was an outstanding football player with the University of Alabama and received the honor of being named to the University of Alabama Football Team as quarterback; and

WHEREAS, Riley Smith was graduated from the University of Alabama in 1936; and

WHEREAS, Riley Smith, upon graduation from the University of Alabama, entered the ranks of professional football, having played with the Washington Redskins; and

WHEREAS, the University of Alabama Crimson Tide Football Team, of which Riley Smith was a member, boasted several "All Americans;" including Riley Smith, Dixie Howell, Don Hudson and Bill Lee; and

WHEREAS, Riley Smith was married to Frances Boykin of Mobile, Alabama and has been a great father to their children; and

WHEREAS, Riley Smith was recently elected to the College Football Hall of Fame; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate Riley Smith on this great accomplishment and wish him the best of luck in his future endeavors.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Riley Smith, to Mrs. Riley Smith and to their children as a token of our high praise and esteem.

On motion of Rep. Turner, the rules were suspended and the resolution, H. J. R. 43, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Newman, Blake, Junkins, Parker, Smith, Coleman, Burke, Ford, Melton, Albright, Browder, Bugg, Lauderdale, Johnson (RG), Zoghby, and Richardson:

H. 481. To require local school boards, the Alabama Institute for Deaf and Blind, and all two-year educational institutions to provide professional leave to their employees for State Board of Education meetings, workshops and job related conferences and conventions, and professional association activities.

Committee on Ways and Means.

By Reps. Starkey, Drake, Bowling, Britnell, Carter, Butler, Hall, Parker, Dutton, Coleman, Richardson, Coburn, Hettinger, Albright, Brooks, Grayson, Martin, Lauderdale, Goodwin, and Clark (D):

H. 482. To provide a conditional appropriation of \$5 million from the State General Fund to Madison, Limestone, Morgan, Lauderdale, Colbert, Marion, Lawrence, Franklin, Cullman, Jackson and Winston counties for ice and weather-related damage.

Committee on Ways and Means.

By Rep. Starkey:

H. 483. To amend Section 32-9-1 and 32-9-20, Code of Alabama 1975, relating to motor vehicle sizes and weights so as to further regulate the sizes and weights of motor vehicles on highways in Alabama; to provide for compliance with federal laws regulating same; and to further regulate exemptions and exemptions.

Committee on State Administration.

By Reps. Starkey, Clark (D), Britnell, Lauderdale, and Goodwin:

H. 484. To amend Section 40-17-220, Code of Alabama, 1975, as amended, relating to the levy of the \$.04 per gallon excise tax on gasoline, motor fuel, and lubricating oil to exempt from said excise tax all gasoline, motor fuel,

and lubricating oil purchased by schools privately owned and operated located in the State of Alabama for use in school buses owned by them and used exclusively to transport students.

Committee on Ways and Means.

By Rep. Johnson (Roy):

H. 485. To amend Section 40-23-4, Code of Alabama 1975, which provides for exemptions from the gross receipts tax, so as to include receipts from the telecasting or broadcasting of athletic contests conducted by non-profit organizations, educational institutions and associations composed of educational institutions within said exemption.

Committee on Ways and Means.

By Rep. Johnson (Roy):

H. 486. To amend Section 12-13-20, Code of Alabama, 1975, as amended, which relates to salaried probate judges' minimum compensation so as to further provide for such compensation.

Committee on State Administration.

By Rep. Johnson (Roy):

H. 487. To provide that full-time employees and executive officers of the Alabama Congress of Parents and Teachers may elect to become members of the teachers' retirement system of Alabama; also to provide that said Association and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the State.

Committee on Ways and Means.

By Reps. Payne, Beers, White (G), Rogers, Escott, Davis, McDowell, Trammell, Boles, Perdue, Newton, Bachus, McNair, Pratt, Gray, Spratt, Biddle, and Seibels:

H. 488. Appropriating certain monies from the state general fund to Jefferson County for the 1984-85 fiscal year to be expended on recreational programs for youths in said county; providing that such monies shall be allocated on a per capita basis between the incorporated and unincorporated areas of the county with the governing bodies of such areas determining expenditures of such monies.

Committee on Ways and Means.

By Reps. Junkins, Coleman, and Newman:

H. 489. To amend Sections 36-30-1 and 36-30-20, Code of Alabama 1975, which provide for compensation for death or disability of certain law enforcement personnel, and Section 36-21-8, Code of Alabama 1975, which provides for the retention of badges and pistols upon retirement by certain law enforcement personnel, so as to include officers of the Department of Industrial Relations within these provisions.

Committee on Ways and Means.

By Reps. Holley, Johnson (Roy), Blakeney, Box, Tanner, Turnham, Fuller, Onderdonk, Kvalheim, and Poole:

H. 490. To fix the state salary of a district judge at a relationship to the state salary of a circuit judge on October 1, 1986, so that the state salary

of a district judge shall be equal to the state salary of the district attorney who practices before the district judge and is an officer of the district judge's court.

Committee on Ways and Means.

By Reps. White (F), Warren, and Johnson (Roy):

H. 491. To create an additional judgeship for the twenty-first judicial circuit of Alabama; to provide for the election of the first judge and of subsequent judges to fill this judgeship; to prescribe the jurisdiction, powers, authority, qualifications, duties and compensation of such judge; to render such judge liable to all the pains and penalties of other circuit judges in the state; and to amend further section 12-17-20, Code of Alabama 1975, relating to the number of circuit judges in each circuit, so as to increase the number of judges of the twenty-first circuit to two.

Committee on Ways and Means.

By Reps. Ford and Junkins:

H. 492. To provide that certain disabled persons shall be exempt from the payment of parking and camping permit fees within the state parks.

Committee on Ways and Means.

By Reps. Zoghby, Turner, Marietta, Box, Kvalheim, Gaston, Harper, Buskey (James), Clark (W), and Kennedy:

H. 493. To exempt Rotary Rehabilitation Hospital, Inc., Mobile County, Alabama, a non-profit corporation, from the payment of any and all state, county and municipal sales and use tax.

Committee on Ways and Means.

By Rep. Zoghby:

H. 494. To amend Sections 40-10-121 and 40-10-122 of the Code of Alabama 1975, relating to certain administrative fees for services to property owners in redemption sales of land, so as to provide further for such fees.

Committee on Ways and Means.

By Reps. Zoghby, Tanner, and Seibels:

H. 495. To amend Section 3-1-13, Code of Alabama 1975, relating to care and custody of abused animals, so as to further provide for the authority of humane officers to take charge of and care for such animals.

Committee on Public Welfare.

By Rep. Turner (With Notice and Proof):

H. 496. Relating to Mobile County to provide for the salary of the Tax Assessor of Mobile County.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 496, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Holley:

H. 497. To amend Sections 16-1-18, 16-8-25, 16-12-21, 16-22-9, and 21-1-21 Code of Alabama, 1975, as amended so as to increase the maximum number of possible accumulated sick leave days from 150 to 200 for educational personnel at the Alabama Institute for Deaf and Blind and in all public city and county school systems and allows governing boards to authorize vacations for 12 month employees.

Committee on Ways and Means.

By Reps. Coleman, Newman, and Junkins:

H. 498. To require boards of education to defend certain school employees in cases where civil action is brought against them for acts committed in the performance of their duties.

Committee on Judiciary.

By Reps. Hettinger, Grayson, Brooks, Butler, Albright, and Hall:

H. 499. To exempt the Continental Athletic Association, Huntsville, Alabama, from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Rep. Rains:

H. 500. To propose an amendment to the Constitution of Alabama of 1901 to provide for the compensation of members of the legislature.

Committee on State Administration.

The above bill was read a first time at length as required by the Constitution.

By Rep. Boles (With Notice and Proof):

H. 501. To establish an expense allowance for the following officers of Jefferson County, Alabama: The President of the County Commission and the Associate County Commissioners and to provide that such expense allowance as fixed by this Act shall take effect at the beginning of the next term of office of said officers and the beginning of each term of office of said officers thereafter.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 501, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Boles (With Notice and Proof):

H. 502. Relating to the governing body of Jefferson County, Alabama; to amend Section 3 of Act No. 210 of the Regular Session of the Legislature of Alabama of 1975 (Acts of 1975, pp.482, et seq.), so as to provide, in addition to staff otherwise provided by law, for such staff members as the County Commission may deem necessary not subject to any merit system,

to provide that the salaries of such staff assistants shall be determined by the County Commission, and to prohibit members of the Commission staff from running for elected office while serving on said staff.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 502, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Boles (With Notice and Proof):

H. 503. To establish the salaries for the following officers of Jefferson County, Alabama: The President of the County Commission and the Associate County Commissioners; and to provide that the salaries as fixed by this Act shall take effect at the beginning of the next term of office of said officers and the beginning of each term of office of said officers thereafter:

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 503, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Parker:

H. 504. To provide merit system status for Hospital Orderlies employed by the Alabama Department of Mental Health and Mental Retardation with full benefits similarly provided to other state merit system employees.

Committee on Ways and Means.

By Rep. Onderdonk:

H. 505. To provide that on October 1, 1986, the state will begin a five year phased-in assumption of all salaries, salary supplements, expense allowances, travel allowances and all other forms of compensation paid by counties to officers and employees of the Unified Judicial System.

Committee on Ways and Means.

By Rep. Onderdonk:

H. 506. To amend Sections 40-12-240 and 40-12-248 of the Code of Alabama 1975, relating to motor vehicle licenses, taxes and registration fees, so as to include self-propelled campers, house cars, and recreational vehicles in the definition of the term "private passenger automobile" and provide further for said license taxes.

Committee on Ways and Means.

By Reps. Martin and Parker:

H. 507. This bill amends Section 36-26-80, Code of Alabama, 1975, to clarify the appointing authority for health department employees in the absence of a local health officer.

Committee on Health.

By Reps. Grayson, Brooks, and Butler:

H. 508. To provide that any funds appropriated under Section 6 of Act No. 84-330, H. 231, Regular Session 1984 (Acts 1984, p. 755), for "High Technology Resource Foundation" at Alabama A & M University shall be transferred to "Bio-High Technology" at said university.

Committee on Ways and Means.

By Reps. Grayson and Bugg:

H. 509. To further amend Sections 16-8-25 and 16-12-21, Code of Alabama 1975, so as to provide full-time teachers who teach the entire academic year with at least two weeks of vacation.

Committee on Ways and Means.

By Reps. Zoghby, Davis, and Payne:

H. 510. To establish the youth services revolving fund in the state treasury; to require net income accruing from the conduct or operation of programs for the employment of youths held in detention centers or for prevention and correction of youth delinquency to be paid into such fund; to provide for and regulate payments out of such fund; to limit the amount maintained in such fund to the amount necessary, in the opinion of the Alabama board of youth services, to carry out, efficiently and properly, and to develop and expand such programs as are established by the state department of youth services; and to provide for the transfer of the sum in excess of such requirements to the Alabama special educational trust fund in the state treasury.

Committee on Ways and Means.

By Reps. Zoghby and Payne:

H. 511. To provide additional remedies to the Interstate Compact on Juveniles by permitting a state in which a juvenile is charged with being delinquent by reason of violating any criminal law to requisition said juvenile from another state.

Committee on Judiciary.

By Reps. Zoghby and Davis:

H. 512. Relating to facilities to be used for detention or shelter care of children by courts; amending section 12-15-61, Code of Alabama 1975, so as to provide for a statewide system of regional detention centers for children as needed by the juvenile courts and to provide sufficient funds to subsidize the detention of children in such regional detention facilities.

Committee on Judiciary.

By Reps. Zoghby, Davis, and Payne:

H. 513. To amend Section 44-1-38, Code of Alabama 1975, relating to the maintenance of certain records of youth by the department of youth services so as to permit the destruction of such records.

Committee on Judiciary.

By Rep. White (L):

H. 514. To amend Sections 40-9-19 and 40-9-21, Code of Alabama 1975, which provides for ad valorem tax exemptions, so as to provide further for the homestead provision for persons 65 years old or older.

Committee on Ways and Means.

By Reps. Payne, Seibels, Laird, Butler, Harper, Nicholson, Gaston, Kvalheim, Marietta, Rice, Johnson (RG), White (G), Carothers, Hooper, Hettinger, Hall, Harvey, Moore, Holley, Carter, Goodwin, Beers, Adams, White (L), Tanner, Smith, McMillan, Faulk, Starr, Mikell, Buskey (John), Warren, Preuitt, Beasley, McKee, Grouby, Turnham, Turner, Kennedy, Box, Zoghby, Lindsey, Clark (J), Richardson, Brakefield, and Poole:

H. 515. To amend § 40-23-36 of the Code of Alabama 1975 relating to discounts on sales taxes, so as to provide further for such discounts.

Committee on Ways and Means.

By Reps. Preuitt and Rains:

H. 516. To provide that the Board of Trustees of the Alabama Institute for Deaf and Blind shall adopt written policies with regard to education; to provide for the manner in which such policies shall be adopted; to provide that such written policies shall be made available to certain affected employees.

Committee on Education.

By Rep. White (L):

H. 517. To amend Section 32-6-272, Code of Alabama 1975, which provides for distinctive license plates for fire fighters, so as to eliminate the additional \$3.00 for said license plates.

Committee on Ways and Means.

By Rep. Flowers:

H. 518. To amend Section 17-4-156, Code of Alabama 1975, so as to standardize all activities of the various boards of registrars so that there will be conformity throughout the state in number of days allocated, number of members authorized and reimbursement for services.

Committee on State Administration.

By Rep. Rogers:

H. 519. To amend Sections 13A-12-1 and 13A-12-2, Code of Alabama 1975, relating to certain prohibited acts on Sunday and the holding of public markets and trading on such day, so as to permit sales during certain hours.

Committee on State Administration.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Turnham:

H. R. 44. COMMENDING CLAUDE B. LAYFIELD, JUNIOR, OF AUBURN, ALABAMA.

Also:

The following resolution was introduced:

By Rep. Gray:

H. J. R. 45. COMMENDING DR. HARPER SHANNON FOR HIS DEDICATION TO THE HUFFMAN BAPTIST CHURCH AND UPON HIS APPOINTMENT AS ASSOCIATE SECRETARY TO THE ALABAMA BAPTIST STATE CONVENTION.

WHEREAS, Dr. Harper Shannon has served as pastor of the Huffman Baptist Church, Birmingham, Alabama, for twelve years; and

WHEREAS, Dr. Shannon has served with distinction; leading The Huffman Baptist Church in spiritual growth as well as numerical growth; and

WHEREAS, he has been active in denominational leadership within the Birmingham Association, the Alabama Baptist Convention, and the Southern Baptist Convention; and

WHEREAS, he has worked with National Baptist across the nation in efforts that have strengthened our united witness for our Lord Jesus Christ; and

WHEREAS, Dr. Harper Shannon will begin a new era of ministry to the Associate to the Executive Secretary and Director of Evangelism of the Alabama Baptist State Convention; and

WHEREAS, Sunday, February 24, 1985, will be proclaimed as "Harper Shannon Day", now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby praise Dr. Harper Shannon for his contributions to the City of Birmingham, the State of Alabama and the Nation for his heartfelt dedication to God and to citizenry and direct that he receive copy of this resolution so that he may know of our respect and praise for his works.

On motion of Rep. Gray, the rules were suspended and the resolution, H. J. R. 45, was adopted.

Also:

By Reps. Gaston and Box:

H. J. R. 46. COMMENDING OMELDA SMITH OF CHICKASAW, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

WHEREAS, Omelda Smith of Chickasaw, Alabama, is a prominent area citizen who is to be most highly commended for her longtime involvement and numerous contributions in various areas of civic and community concern; and

WHEREAS, Mrs. Smith, a retired teacher and past state president of Alpha Delta Kappa, is the 1957 recipient of the Chickasaw Citizen of the Year award and was named Mobile Woman of the Day in 1973; she further was a 1978 nominee for the prestigious Mother of the Year Title for the State of Alabama; and

WHEREAS, though retired from the teaching profession, Mrs. Smith remains active in membership and in service as a Sunday School teacher at Chickasaw United Methodist Church; she also continues in service by helping her fellow citizens who are unable to help themselves; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Omelda Smith for outstanding service to the Chickasaw community.

BE IT FURTHER RESOLVED, That in expression of sincere gratitude and highest regard, a copy of this resolution shall be forwarded to Mrs. Smith.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 46, was adopted.

Also:

By Reps. Ford, Penry and Bowling:

H. J. R. 47. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO SET UP THE SOUTHERN REGIONAL EDUCATION BOARD'S ANNUAL CONFERENCE IN 1986

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Interim Legislative Committee to Set Up the Southern Regional Education Board's Annual Conference in 1986. The Committee is to be composed of six (6) members; who shall be appointed from the Legislature. The Speaker of the House shall appoint three (3) members and the Lieutenant Governor shall appoint three (3) members from the House and Senate respectively.

The Committee shall meet as soon after their appointment as practical and choose one of their members as Chairman and another as Vice Chairman.

The Conference shall be held in Point Clear, Alabama and will be the host for 14 Southern Governors and their staff.

Upon request of the Chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the Committee's Chairman. Each member of the Committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the Committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed by the Committee's Chairman, provided, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business.

The resolution, H. J. R. 47, was read and referred to the Standing Committee on Rules.

H. 414 RE-REFERRED

On motion of Rep. Albright, the Speaker re-referred the bill, H. 414, from the Standing Committee on Ways and Means to the Standing Committee on State Administration.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 48. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That upon reaching the Calendar, all uncontested local bills, along with Budget Isolation Resolutions pertinent thereto and attached hereto, shall be made the special, paramount and continuing order of business for the 4th Legislative Day of the 1985 Regular Session, February 14, 1985, taking precedence over any other business of the House until such time as said resolutions and bills are disposed of:

All uncontested local bills in the order as they appear on the Calendar

On motion of Rep. Clark (J), the resolution, H. R. 48 was adopted.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Onderdonk, Budget Isolation Resolution, H. B. 42, was adopted.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Biddle, Black, Blakeney, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, Marietta, Martin, Mikell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Reed, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Turner, Turnham, Warren, White (F), White (G), White (L) and Zoghby.

—73

And the bill:

H. 42. Relating to Washington County; abolishing the office of constable; and providing an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Black, Blake, Blakeney, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Clark (D), Clark (J), Clark (W), Crow, Davis, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Hall, Hammett, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillan, Marietta, Martin, Mathis, Mikell, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole,

Preuitt, Reed, Richardson, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—75

BUDGET ISOLATION RESOLUTION

On motion of Rep. Onderdonk, Budget Isolation Resolution, H. B. 43, was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Black, Blake, Blakeney, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Crow, Davis, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Hammett, Harper, Harvey, Hettinger, Holmes, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillan, Marietta, Martin, Mathis, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Richardson, Smith, Spratt, Starr, Tanner, Thomas, Turner, Turnham, Warren, White (G) and White (L).

—69

And the bill:

H. 43. Relating to Clarke County; abolishing the office of constable; and providing an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Albright, Bachus, Beasley, Black, Blake, Blakeney, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Crow, Davis, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Mikell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Reed, Richardson, Seibels, Spratt, Starkey, Tanner, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L) and Zoghby.

—71

BUDGET ISOLATION RESOLUTION

On motion of Rep. White (L), Budget Isolation Resolution, H. B. 107, was adopted.

Yeas 70; Nays 0.

Yeas:

Reps. Albright, Bachus, Beasley, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James),

Buskey (John), Butler, Carter, Clark (D), Crow, Davis, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Mikell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Reed, Richardson, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L) and Zoghby.

—70

And the bill:

H. 107. Relating to Tallapoosa County; providing further for the meeting days and compensation of the members of the board of registrars; repealing Act No. 32, S. 26, Regular Session 1967 and Act No. 84-818, H. 41, First Special Session 1984; and providing for retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Reps. Adams, Bachus, Beasley, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Crow, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holmes, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Mikell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L) and Zoghby.

—78

BUDGET ISOLATION RESOLUTION

On motion of Rep. White (L), Budget Isolation Resolution, H. B. 109, was adopted.

Yeas 69; Nays 0.

Yeas:

Reps. Albright, Bachus, Beasley, Biddle, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Crow, Davis, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Rains, Richardson, Rogers, Seibels, Spratt, Starkey, Tanner, Thomas, Turner, Warren, White (F), White (L) and Zoghby.

—69

And the bill:

H. 109. Relating to Tallapoosa County; providing further for the procedure for selling and redeeming lands for taxes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Crow, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Marietta, Martin, Mathis, Mikell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Rains, Richardson, Rogers, Seibels, Spratt, Starkey, Tanner, Thomas, Turner, Warren, White (F), White (L), and Zoghby.

—67

BUDGET ISOLATION RESOLUTION

On motion of Rep. Biddle, Budget Isolation Resolution, H. B. 23, was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Biddle, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Carter, Clark (D), Clark (J), Crow, Davis, Flowers, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Marietta, Martin, Mathis, Mikell, Moore, Newman, Newton, Nicholson, Parker, Payne, Penry, Perdue, Poole, Preuitt, Rains, Richardson, Rogers, Seibels, Spratt, Starkey, Tanner, Thomas, Turner, Warren and White (F).

—63

And the bill:

H. 23. Relating to Jefferson County; to provide that if certain dangerous conditions exist, notwithstanding any law or rule to the contrary, the local board of education may authorize bus service for public school students who reside within two miles of a public school.

Was taken up.

AMENDMENT OFFERED

Rep. Boles offered the following amendment to the bill, H. 23:

Amend Section 1 line 23 by striking the word may and insert the word "will"

And by inserting the word regardless between the word bus and if.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 33; Nays 4.

Yeas:

Reps. Brooks, Bugg, Butler, Davis, Dutton, Fuller, Gaston, Gray, Grayson, Grouby, Harper, Harvey, Hooper, Kennedy, Kvalheim, Lauderdale, McMillan, McNair, Marietta, Martin, Newton, Onderdonk, Parker, Penry, Perdue, Pratt, Rains, Rogers, Spratt, Tanner, White (F), White (L) and Zoghby.

—33

Nays: Reps. Bachus, Payne, Seibels, and White (G).

—4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 23, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 35; Nays 2.

Yeas:

Mr. Speaker, Biddle, Blakeney, Boles, Brooks, Bugg, Davis, Dutton, Escott, Gaston, Goodwin, Gray, Grayson, Grouby, Harper, Holley, Holmes, Johnson (Roy), Kvalheim, Lauderdale, McMillan, McNair, Marietta, Newton, Onderdonk, Parker, Penry, Perdue, Pratt, Rains, Rogers, Spratt, Turnham, White (F) and White (L).

—35

Nays: Reps. Bachus and Payne.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Flowers, Budget Isolation Resolution, H. B. 85, was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Brooks, Browder, Bryant, Bugg, Butler, Carter, Clark (D), Clark (J), Coleman, Crow, Davis, Dutton, Flowers, Fuller, Gaston, Goodwin, Grouby, Hammett, Harper, Hooper, Johnson (RG), Kennedy, Kvalheim, Lauderdale, McMillan, Martin, Mathis, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Richardson, Rogers, Seibels, Spratt, Tanner, Turner, Turnham, Warren, White (L) and Zoghby.

—56

And the bill:

H. 85. To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in Pike County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Black, Blake, Blakeney, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Carter, Clark (D), Coleman, Crow, Davis, Dutton, Flowers, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Kennedy, Kvalheim, Lauderdale, McMillan, Marietta, Mathis, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Richardson, Seibels, Spratt, Starkey, Tanner, Thomas, Turner, Turnham, Venable, White (F), White (L) and Zoghby.

—65

BUDGET ISOLATION RESOLUTION

On motion of Rep. White (F), Budget Isolation Resolution, H. B. 127, was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Carter, Clark (D), Clark (J), Coleman, Crow, Faulk, Fuller, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Kennedy, Kvalheim, Lauderdale, McMillan, Martin, Mathis, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Rains, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Turner, Turnham, Venable, Warren and Zoghby.

—60

And the bill:

H. 127. To alter, rearrange and extend the boundary lines and corporate limits of the City of Atmore in Escambia County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Beers, Black, Blake, Blakeney, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Carter, Clark (D), Clark (J), Coleman, Crow, Davis, Dutton, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim,

Lauderdale, McMillan, Mathis, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Rains, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—71

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Starkey, Goodwin and Clark (D):

H. R. 49. COMMENDING THE UNA LIONS' BASKETBALL FANS.

BUDGET ISOLATION RESOLUTION

On motion of Rep. White (F), Budget Isolation Resolution, H. B. 128, was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Black, Blake, Blakeney, Brakefield, Brooks, Browder, Bugg, Butler, Carter, Clark (D), Coleman, Crow, Davis, Dutton, Flowers, Gaston, Goodwin, Gray, Grayson, Hammett, Harper, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Martin, Mathis, Mitchell, Moore, Newman, Newton, Nicholson, Parker, Perdue, Poole, Preuitt, Rains, Richardson, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (F) and Zoghby.

—60

And the bill:

H. 128. Relating to Escambia County; abolishing the office of constable in such county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Carter, Clark (D), Clark (W), Crow, Davis, Dutton, Faulk, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Harvey, Holley, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Marietta, Mitchell, Moore, Newman, Newton, Nicholson, Parker, Penry, Perdue, Poole, Rains, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (F) and Zoghby.

—59

BUDGET ISOLATION RESOLUTION

On motion of Rep. Laird, Budget Isolation Resolution, H. B. 165, was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Black, Blake, Blakeney, Brakefield, Brooks, Browder, Bryant, Buskey (John), Butler, Carter, Clark (D), Coleman, Crow, Davis, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Gray, Grayson, Hall, Hammett, Harper, Holley, Hooper, Johnson (RG), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, McMillan, Marietta, Martin, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Parker, Penry, Perdue, Poole, Preuitt, Rains, Richardson, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (F) and Zoghby.

—66

And the bill:

H. 165. Relating to Randolph County; to provide that there shall be a referendum election in said county to determine whether or not the construction and maintenance of the county road system shall remain under the present district or beat line system or shall be constructed and maintained under a county unit system.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Carter, Clark (D), Clark (J), Coleman, Crow, Escott, Faulk, Flowers, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Holley, Hooper, Johnson (RG), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, McMillan, Marietta, Martin, Mathis, Mikell, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Richardson, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (F) and Zoghby.

—67

BUDGET ISOLATION RESOLUTION

On motion of Rep. Laird, Budget Isolation Resolution, H. B. 166, was adopted.

Yeas 58; Nays 0.

Yeas:

Reps. Adams, Beasley, Black, Blakeney, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Carter, Clark (D), Clark (W), Coleman, Crow, Dutton, Faulk, Flowers, Gaston, Goodwin, Gray, Grayson, Hammett, Harper, Holley, Johnson (RG), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, McMillan, Mathis, Mitchell, Moore, Newman, Newton, Nicholson, Parker, Penry, Poole, Preuitt, Rains, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (F) and Zoghby.

—58

And the bill:

H. 166. (With Amendment): Relating to Randolph County; providing for a referendum on the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner; authorizing the legislature to set the compensation of such official by local law; repealing conflicting laws; providing for filing by candidates for county revenue commissioner and an election therefor; and providing for its effectiveness.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 166, page 2, Section 3, line 8, after the word "said" by striking ~~commissioner~~ and by inserting in lieu thereof the following: commissioner

And the amendment was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Carter, Clark (D), Crow, Faulk, Flowers, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Harper, Harvey, Hettinger, Johnson (RG), Junkins, Kvalheim, Laird, Lauderdale, McMillan, Mathis, Mikell, Mitchell, Moore, Newman, Newton, Parker, Penry, Perdue, Poole, Preuitt, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—55

AMENDMENT OFFERED

Rep. Laird offered the following amendment to the bill, H. 166 as amended:

In Section 13, page 4, delete lines 14, 15 and 16 entirely and in lieu thereof insert the following language:

of the revenue commissioner? Yes, effective October 1, 1985. (), or Yes, effective October 1, 1991 (), or No ()" If a majority of the votes cast at the election are affirmative votes, this act shall become effective in full force and effect on the date approved by a majority of those voting yes on the specified date.

Delete Section 14 entirely on page 4, lines 22 through 25.

Delete Section 9 entirely on page 3, lines 20 through 22, and renumber remaining sections.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 59; Nays 0.

Yeas:

Speaker, Adams, Beasley, Black, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Carter, Clark (D), Crow, Davis, Dutton, Faulk, Flowers, Gaston, Goodwin, Grayson, Grouby, Hall, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McMillan, Mathis, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Parker, Perdue, Poole, Preuitt, Rains, Richardson, Rogers, Smith, Starr, Tanner, Turner, Turnham, Venable, Warren, White (F) and Zoghby.

—59

AMENDMENT OFFERED

Rep. Laird offered the following amendment #2 to the bill, H. 166 as amended.

Amend House Bill 166, page 1, line 18, after the word “the” by striking ~~compensation~~ and inserting in lieu thereof compensation

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blake, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Carter, Clark (D), Crow, Faulk, Flowers, Gaston, Goodwin, Grouby, Harper, Hettinger, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Mathis, Mikell, Mitchell, Newman, Newton, Nicholson, Parker, Poole, Rains, Rice, Richardson, Smith, Starkey, Starr, Tanner, Turner, Turnham, Venable, Warren, White (F), and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 166. Relating to Randolph County; providing for a referendum on the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner; authorizing the legislature to set the compensation of such official by local law; repealing conflicting laws; providing for filing by candidates for county revenue commissioner and an election therefor; and providing for its effectiveness.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blake, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Butler, Carter, Clark (D), Crow, Davis, Faulk, Flowers, Gaston, Goodwin,

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Grouby, Hall, Harper, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McMillan, Martin, Mathis, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Turner, Turnham, Venable, White (F) and Zoghby.

—57

BUDGET ISOLATION RESOLUTION

On motion of Rep. Laird, Budget Isolation Resolution, H. B. 168, was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Buskey (John), Butler, Carter, Clark (D), Crow, Davis, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grayson, Grouby, Hall, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McMillan, Martin, Mathis, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Rains, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Turner, Turnham, White (F) and Zoghby.

—62

And the bill:

H. 168. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Randolph County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Coburn, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—88

H. 292 TEMPORARILY CARRIED OVER

On motion of Rep. Laird, the bill, H. 292, was temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harvey, Budget Isolation Resolution, H. B. 334, was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Beers, Black, Blake, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Carter, Clark (D), Coburn, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grayson, Grouby, Hall, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McMillan, Marietta, Martin, Mathis, Mikell, Moore, Newman, Newton, Nicholson, Parker, Payne, Penry, Perdue, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Turner, Turnham, Venable, Warren, White (F) and Zoghby.

—72

And the bill:

H. 334. Relating to Blount County; to provide that all county commissioners shall serve full time; providing for compensation; and providing for effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Black, Blake, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Crow, Davis, Dutton, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Tanner, Trammell, Turner, Turnham, Venable, Warren and White (F).

—73

BUDGET ISOLATION RESOLUTION

On motion of Rep. Turnham, Budget Isolation Resolution, H. B. 339, was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Black, Blake, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Crow, Davis, Dutton, Flowers, Fuller, Gaston, Goodwin, Grayson, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Rains, Rice, Richardson,

Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—72

And the bill:

H. 339. To authorize and make provision for the incorporation in the City of Auburn of The Auburn Downtown Redevelopment Authority for the purpose of promoting trade and commerce by including commercial enterprises to upgrade, improve, modernize, and expand existing facilities and to locate new facilities in the central business district of Auburn; to define the area of such central business district; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of such Authority, its board of directors, and its officers; to authorize such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith whether or not now existing, suitable for use by any commercial enterprise provided that such property shall be located wholly within the Downtown Development Area herein defined; to authorize any such Authority to lease such property to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest bearing revenue bonds and other interest bearing securities payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to authorize the Authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state or local governments or allow them to use facilities or services of the Authority; to make loans to persons or entities for the costs of a project on such security and with such terms and conditions as the Authority deems appropriate; to provide for the employment by any such Authority of such officers, employees, contractors, consultants and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to require payments in lieu of taxes to be made by the Authority or the City; to receive the proceeds of municipal taxes levied for the Authority's purposes; to promote revitalization of the Downtown Development Area and make plans and proposals therefor; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments of various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that

any action or proceeding questioning the validity of such bonds, or any pledge mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state except for state ad valorem taxes; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, except for state sales and use taxes, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; and to authorize political subdivisions, agencies, instrumentalities and public corporations of the state to aid the Authority with loans or grants of money, the furnishing of services or the transfer of property to the Authority without any public election; and to require the treasurer to obtain a fidelity bond equal to the amount of any public funds held by the Authority.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Butler, Carter, Clark (D), Clark (W), Crow, Davis, Dutton, Flowers, Gaston, Goodwin, Gray, Grayson, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Moore, Newman, Newton, Nicholson, Parker, Penry, Perdue, Poole, Preuit, Rains, Rice, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Turner, Turnham, Warren, White (F), White (G), White (L) and Zoghby.

—64

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hammett, Budget Isolation Resolution, H. B. 340, was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Black, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Butler, Carter, Clark (D), Clark (W), Crow, Davis, Faulk, Flowers, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis,

Mitchell, Moore, Newman, Newton, Nicholson, Parker, Penry, Perdue, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—68

And the bill:

H. 340. Relating to Covington County; to provide further for the compensation and mileage allowance of the coroner.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Carter, Clark (D), Clark (W), Crow, Davis, Flowers, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Parker, Penry, Perdue, Preuitt, Rice, Richardson, Rogers, Seibels, Spratt, Starkey, Starr, Tanner, Turner, Turnham, Venable, Warren, White (F), White (G), and White (L).

—66

BUDGET ISOLATION RESOLUTION

On motion of Rep. Clark (J), Budget Isolation Resolution, H. B. 345, was adopted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Crow, Davis, Escott, Faulk, Flowers, Gaston, Goodwin, Gray, Grayson, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Kennedy, Kvalheim, Laird, Lindsey, McMillan, Marietta, Mathis, Mitchell, Moore, Newman, Newton, Nicholson, Parker, Penry, Perdue, Preuitt, Rains, Rice, Richardson, Rogers, Seibels, Spratt, Starkey, Starr, Tanner, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—65

And the bill:

H. 345. Relating to Barbour County; legalizing the sale of draft or keg beer or malt beverages; and repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Black, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Carter, Clark (J),

Clark (W), Crow, Davis, Faulk, Flowers, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lindsey, McMillan, Marietta, Mathis, Mitchell, Moore, Newman, Newton, Nicholson, Parker, Penry, Perdue, Preuitt, Rice, Richardson, Rogers, Seibels, Smith, Spratt, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (L) and Zoghby.

—62

BUDGET ISOLATION RESOLUTION

On motion of Rep. Johnson (Roy), Budget Isolation Resolution, H. B. 297, was adopted.

Yeas 72; Nays 10.

Yeas:

Mr. Speaker, Adams, Albright, Black, Blake, Blakeney, Boles, Bowling, Britnell, Brooks, Bryant, Bugg, Buskey (John), Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lindsey, McDowell, Marietta, Martin, Melton, Moore, Newton, Nicholson, Onderdonk, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—72

Nays:

Reps. Carothers, Hall, Hammett, Lauderdale, McKee, McMillan, Mathis, Mitchell, Newman and Parker.

—10

And the bill:

H. 297. To amend subsection (a)(3) of Section 16-25-14, Code of Alabama 1975, relating to mandatory retirement of teachers to provide that a teacher may be continued in service from year to year past the age of 70 years upon his application and approval by his employer if evidence of physical and mental fitness is furnished.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 9.

Yeas:

Mr. Speaker, Adams, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lindsey, McDowell, Marietta, Martin, Melton, Mikell, Moore, Newton, Nicholson, Onderdonk, Parker, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Starr,

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Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—78

Nays:

Reps. Bachus, Beasley, Carothers, Hall, McKee, McMillan, Mathis, Mitchell and Newman.

—9

BUDGET ISOLATION RESOLUTION

On motion of Rep. Johnson (Roy), Budget Isolation Resolution, H. B. 301, was adopted.

Yeas 68; Nays 25.

Yeas:

Mr. Speaker, Adams, Bachus, Blake, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Escott, Ford, Fuller, Gaston, Goodwin, Grayson, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Pratt, Preuitt, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Warren, White (F), White (G) and Zoghby.

—68

Nays:

Reps. Beers, Brooks, Butler, Carothers, Dutton, Faulk, Gray, Grouby, Hammett, Harper, Lindsey, McKee, McMillan, McNair, Mikell, Payne, Penry, Poole, Rains, Rice, Seibels, Starr, Turnham, Venable and White (L).

—25

And the bill:

H. 301. To amend Section 17-16-6, Code of Alabama 1975, which relates to the time and place for holding primary elections, except special primary elections and presidential preference primaries, so as to provide that primary elections shall be held on the first Tuesday in June, and a runoff election, if necessary, shall be held on the fourth Tuesday thereafter, effective June 3, 1986, and thereafter.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 27.

Yeas:

Mr. Speaker, Adams, Bachus, Blake, Blakeney, Boles, Bowling, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Escott, Ford, Fuller, Goodwin, Grayson, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale,

McDowell, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Pratt, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Warren, White (F), White (G), White (L) and Zoghby.

—69

Nays:

Reps. Beasley, Beers, Black, Brakefield, Butler, Carothers, Faulk, Gaston, Gray, Grouby, Hall, Hammett, Harper, Kvalheim, Lindsey, McKee, McMillan, McNair, Mikell, Payne, Penry, Poole, Rains, Rice, Starr, Turnham and Venable.

—27

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 16. COMMENDING THE BUTLER HIGH SCHOOL SOCCER TEAM FOR OUTSTANDING ACCOMPLISHMENT.

Also:

H. J. R. 17. COMMENDING OLYMPIC BRONZE MEDALIST, WANDA JEWELL, OF HUNTSVILLE, ALABAMA.

Also:

H. J. R. 18. COMMENDING THE ADVERTISER-GLEAM FOR OUTSTANDING SERVICE TO THE GUNTERSVILLE AREA.

Also:

H. J. R. 39. MOURNING THE DEATH OF JESSE K. EDWARDS OF BESSEMER, ALABAMA.

Also:

H. J. R. 40. COMMENDING PLEASANT GROVE HIGH SCHOOL VARSITY AND JUNIOR VARSITY CHEERLEADERS.

Also:

H. J. R. 42. CONGRATULATING MR. AND MRS. CARL WELFORD ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 43. COMMENDING RILEY SMITH, MOBILE, ALABAMA.

Also:

H. J. R. 45. COMMENDING DR. HARPER SHANNON FOR HIS DEDICATION TO THE HUFFMAN BAPTIST CHURCH AND UPON HIS APPOINTMENT AS ASSOCIATE SECRETARY TO THE ALABAMA BAPTIST STATE CONVENTION.

Also:

H. J. R. 46. COMMENDING OMELDA SMITH OF CHICKASAW, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. B. 166. Relating to Randolph County; providing for a referendum on the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner; authorizing the legislature to set the compensation of such official by local law; repealing conflicting laws; providing for filing by candidates for county revenue commissioner and an election therefor; and providing for its effectiveness.

JIMMY CLARK,
Chairman.

And the bill, H. 166, as engrossed, was sent to the Senate.

RESOLUTION

The following resolution was introduced:

By Reps. Hettinger and Grayson:

H. J. R. 50. CONGRATULATING MR. AND MRS. WALTER JACKSON BYRNE ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden Wedding Anniversary, February 15, 1985, of Mr. and Mrs. Walter Jackson Byrne of Huntsville, Alabama; and

WHEREAS, Mr. Byrne, a native of Huntsville, and his lovely bride, Miss Nancy Dennis, were joined in wedlock on February 15, 1935, and these two fine people, forsaking all others, have remained in said Holy state for the past 50 years; and

WHEREAS, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their wedding vows, setting an enviable example for others; and

WHEREAS, Mr. and Mrs. Byrne, who are the parents of two daughters, Barbara Ann and Judy Ellen, also have five fine grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple, Mr. and Mrs. Walter Jackson Byrne of Huntsville, Alabama, and wish them many more happy years together.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. and Mrs. Byrne that they may know of our congratulations and warm best wishes for the future.

On motion of Rep. Hettinger, the rules were suspended and the resolution, H. J. R. 50, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Strong and Bedsole:

S. J. R. 18. COMMENDING THE ALABAMA FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN'S CLUBS.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Zoghby, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 18, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Strong:

S. J. R. 12. COMMENDING MRS. ANNE GIVENS OF VINEGAR BEND, ALABAMA, PRESIDENT OF GFWC-ALABAMA.

Also:

By Senators Teague, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Horn, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J), and Strong:

S. J. R. 13. COMMENDING THE HONORABLE CLAUDE DENSON PEPPER, A DISTINGUISHED NATIVE SON OF THE STATE OF ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Zoghby, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 12, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Holmes, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 13, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Cabaniss, Hand, deGraffenried, Dixon, Smith (J), Little, Corbett, and Bedsole:

S. J. R. 16. REQUESTING THE DIRECTOR OF THE DEPARTMENT OF INDUSTRIAL RELATIONS TO FURNISH CERTAIN UNEMPLOYMENT DATA TO THE LEGISLATURE.

Also:

By Senator Dixon:

S. J. R. 17. URGING THE AMERICAN PUBLIC TO PARTICIPATE IN TESTS FOR THE EARLY DETECTION OF CANCER.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 16, the title of which is set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution. S. J. R. 17, the title of which is set out in the above and foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Escott:

H. R. 51. COMMENDING WILLIAM S. ROSASCO, III, OF MILTON, FLORIDA.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 5. COMMENDING MR. ROY JOHNSON OF TUSCALOOSA AS LEGISLATOR OF THE YEAR.

Also:

H. J. R. 6. COMMENDING MR. JOHN TEAGUE OF CHILDERSBURG AS LEGISLATOR OF THE YEAR.

Also:

H. J. R. 11. CONGRATULATING MRS. RHODA GOODE OF OHATCHEE, ALABAMA, ON THE OCCASION OF HER 100TH BIRTHDAY.

Also:

H. J. R. 12. COMMENDING MISS SUSAN MUSCAT OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 13. COMMENDING MRS. JOE PEARY OF MOBILE, PROMINENT ALABAMA EDUCATOR.

Also:

H. J. R. 14. RECOGNIZING WILLIAM C. SCRUGGS, JUNIOR, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 15. COMMENDING G. B. RIVERS OF CALVERT, WASHINGTON COUNTY, ALABAMA.

Also:

H. J. R. 24. COMMENDING BRYANT F. WILLIAMS OF OZARK, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE AND INVOLVEMENT.

Also:

H. J. R. 25. COMMENDING THE UNA LIONS' BASKETBALL FANS.

Also:

H. J. R. 26. COMMENDING ROBERT RAYMOND LAVENDER OF DAPHNE, ALABAMA, FOR DAUNTLESS HEROISM

Also:

H. J. R. 27. CONGRATULATING MR. AND MRS. WILLIAM PRYOR SLOAN ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 28. COMMENDING GALATA HARTLEY FOR OUTSTANDING ACHIEVEMENT AND NOTABLE CONTRIBUTIONS TO HER PROFESSION.

Also:

H. J. R. 29. MOURNING THE DEATH OF ALBERT RINGO GRESHAM OF MILLBROOK, ALABAMA.

Also:

H. J. R. 30. COMMENDING WILLIAM K. SMITH OF CHICKSAW, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

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Also:

H. J. R. 31. COMMENDING BETTY DUNN HENDRIX OF MOBILE, PROMINENT ALABAMA BANKER AND COMMUNITY LEADER.

Also:

H. J. R. 32. COMMENDING KATHRYN C. COUMANIS, FIRST LADY OF MOBILE, 1984.

Also:

H. J. R. 34. COMMENDING WILLIAM A. HORNSBY, MAJOR GENERAL, ALABAMA ARMY NATIONAL GUARD.

McDOWELL LEE,
Secretary.

ADJOURNMENT

On motion of Rep. Johnson (Roy), the House adjourned until 4:00 o'clock p.m., Wednesday, February 20, 1985.

FIFTH DAY

House of Representatives
Montgomery, Alabama
Wednesday, February 20, 1985

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend James C. Robertson, United Methodist Church, Carbon Hill, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark, J., the reading at length of the Journal of the House for the fourth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fourth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Boles, leave of absence was granted for Rep. John Beasley.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 50. CONGRATULATING MR. AND MRS. WALTER JACKSON BYRNE ON THE OCCASION OF THEIR 50th WEDDING ANNIVERSARY.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 5. COMMENDING MR. ROY JOHNSON OF TUSCALOOSA AS LEGISLATOR OF THE YEAR.

Also:

H. J. R. 6. COMMENDING MR. JOHN TEAGUE OF CHILDERSBURG AS LEGISLATOR OF THE YEAR.

Also:

H. J. R. 11. CONGRATULATING MRS. RHODA GOODE OF OHATCHEE, ALABAMA, ON THE OCCASION OF HER 100th BIRTHDAY.

Also:

H. J. R. 12. COMMENDING MISS SUSAN MUSCAT OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 13. COMMENDING MRS. JOE PEARY OF MOBILE, PROMINENT ALABAMA EDUCATOR.

Also:

H. J. R. 14. RECOGNIZING WILLIAM C. SCRUGGS, JUNIOR, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 15. COMMENDING G. B. RIVERS OF CALVERT, WASHINGTON COUNTY, ALABAMA.

Also:

H. J. R. 24. COMMENDING BRYANT F. WILLIAMS OF OZARK, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE AND INVOLVEMENT.

Also:

H. J. R. 25. COMMENDING THE UNA LIONS' BASKETBALL FANS.

Also:

H. J. R. 26. COMMENDING ROBERT RAYMOND LAVENDER OF DAPHNE, ALABAMA, FOR DAUNTLESS HEROISM.

Also:

H. J. R. 27. CONGRATULATING MR. AND MRS. WILLIAM PRYOR SLOAN ON THE OCCASION OF THEIR 50th WEDDING ANNIVERSARY.

Also:

H. J. R. 28. COMMENDING GALATA HARTLEY FOR OUTSTANDING ACHIEVEMENT AND NOTABLE CONTRIBUTIONS TO HER PROFESSION.

Also:

H. J. R. 29. MOURNING THE DEATH OF ALBERT RINGO GRESHAM OF MILLBROOK, ALABAMA.

Also:

H. J. R. 30. COMMENDING WILLIAM K. SMITH OF CHICKSAW, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

H. J. R. 31. COMMENDING BETTY DUNN HENDRIX OF MOBILE, PROMINENT ALABAMA BANKER AND COMMUNITY LEADER.

Also:

H. J. R. 32. COMMENDING KATHRYN C. COUMANIS, FIRST LADY OF MOBILE, 1984.

Also:

H. J. R. 34. COMMENDING WILLIAM A. HORNSBY, MAJOR GENERAL, ALABAMA ARMY NATIONAL GUARD.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

BILLS ON SECOND READING

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 119. To amend Article 19 of Chapter 4 of Title 10 of the Code of Alabama (1975), as amended, the Revised Alabama Professional Corporation Act, by amending Sections 10-4-389, 10-4-403 and 10-10-2 of the Code of Alabama (1975), as amended to determine the date of disqualification of shareholders, to allow corporations in existence December 31, 1983 in which licensed medical and dental professionals were allowed to be shareholders under Section 10-4-235, Code of Alabama (1975), to continue, and to repeal Section 10-10-10 Code of Alabama (1975) which requires annual reports of professional associations.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 480. (With Amendment): It is the purpose of this act to insure that all persons whose primary condition is mental retardation and are accused of a crime, be identified by appropriate testing procedures between the time of their arrest and first formal court appearance so that insofar as is possible within the existing criminal justice system, such individuals can be most fairly processed in view of their special problems.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 422. To exempt judges, administrators and other court personnel from any criminal or civil liability arising out of self-inflicted injuries, wounds or death of any juvenile detainee or inmate, under their jurisdiction or control, and in which such judge, administrator or court personnel has no action.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following

bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 518. (With Amendment): To amend Section 17-4-156, Code of Alabama 1975, so as to standardize all activities of the various boards of registrars so that there will be conformity throughout the state in number of days allocated, number of members authorized and reimbursement for services.

Rep. Blake Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 486. To amend Section 12-13-20, Code of Alabama, 1975, as amended, which relates to salaried probate judges' minimum compensation so as to further provide for such compensation.

Rep. Thomas, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 468. Relating to voter registration; to require that a deputy registrar, which may be the probate judge or chief probate clerk, be available at the courthouse during all official hours in certain counties; and to require that the Board of Registrars be open ten days prior the registration deadline before each election.

H. 72. Proposing an amendment to Amendment No. 443 to the Constitution of 1901, relating to certain conveyances of Alabama State Docks property to certain local port authorities in the Cordova-Walker County area, the Florence-Lauderdale County area and the Decatur-Morgan County area.

The above bill was read a second time at length as required by the Constitution.

H. 456. To amend Section 17-5-12 of the Code of Alabama 1975, relating to places of voting so as to provide that the county commission may designate a place of holding elections other than the courthouse in the precinct in which the courthouse is situated.

H. 143. To prescribe that in each polling place, the election officer shall designate one of its booths or compartments for the disabled and handicapped electors and for those 65 years of age or older where such electors, upon proof thereby, shall have priority rights.

H. 186. Proposing an amendment to Article IV, Section 106 of the Constitution of Alabama of 1901, amending the requirements for publishing or posting notice of intent to introduce a special, private or local bill.

The above bill was read a second time at length as required by the Constitution.

Rep. Thomas, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable

report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 397. To provide that registration and polling places for state elections be accessible to handicapped and elderly individuals.

Rep. Thomas, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 243. To amend Section 17-4-134, Code of Alabama 1975, relating to voter registration, so as to allow the board of registrars to accept, as an application for absentee registration by members of the armed services or their dependents, Department of Defense Post Card Application for Registration and Absentee Ballot.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 457. (With Substitute): To require the endorsement of approval of subdivision plats or maps utilizing onsite sewage disposal systems prior to the recording; to provide for the regulation of facilities for the disposal of human wastes before occupancy; to require the testing, bonding and licensing of onsite sewage disposal system installers, repairers, cleaners or maintainers and to require examination and fees; to require permit expiration; to require the state board of health to establish qualifications of persons to evaluate sites for subsurface sewage disposal systems, require the payment of testing and licensing to the state board of health; and regulations for the administration of this Act:

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 430. To amend section 11-41-8, Code of Alabama 1975, so as to validate, in certain cases, municipal corporations attempted to be organized under the laws of this state which might be invalid because of any irregularity in the procedure for incorporation.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 465. (With Amendment): To further regulate the conduct of parimutuel betting so as to provide that no horse track or dog track at which parimutuel betting is permitted shall be constructed within three-quarters of one mile of any church, place of worship, school or perpetual care cemetery.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following

bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 3. Relating to Etowah County; to provide further for the election of the members of the county board of education; and to provide a referendum and to make effective upon the approval of certain qualified electors at the next county or statewide election.

H. 99. Relating to Colbert County; to provide that any wholesaler licensee for a beer or table wine may locate, maintain and operate the licensee's place of business anywhere whether wet or dry, within Colbert County, if the place of business when originally located was in an area that at the time was wet.

Rep. Turner Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 496. (With Substitute): Relating to Mobile County to provide for the salary of the Tax Assessor of Mobile County.

Rep. McKee, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 309. (With Amendment): Relating to Montgomery County Commissioners; providing an expense allowance which shall be supplemental to any and all other compensation or mileage and payable from county funds.

Rep. McKee, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 421. Relating to Montgomery County; to amend Act No. 353 of the Legislature of Alabama Regular Session 1875 to provide that notice of all special sessions of the Montgomery County Commission must be given to a newspaper published in the City of Montgomery.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 16. COMMENDING THE BUTLER HIGH SCHOOL SOCCER TEAM FOR OUTSTANDING ACCOMPLISHMENT.

Also:

H. J. R. 17. COMMENDING OLYMPIC BRONZE MEDALIST, WANDA JEWELL, OF HUNTSVILLE, ALABAMA.

Also:

H. J. R. 18. COMMENDING THE ADVERTISER-GLEAM FOR OUTSTANDING SERVICE TO THE GUNTERSVILLE AREA.

Also:

H. J. R. 39. MOURNING THE DEATH OF JESSE K. EDWARDS OF BESSEMER, ALABAMA.

Also:

H. J. R. 40. COMMENDING PLEASANT GROVE HIGH SCHOOL VARSITY AND JUNIOR VARSITY CHEERLEADERS.

Also:

H. J. R. 42. CONGRATULATING MR. AND MRS. CARL WELFORD ON THE OCCASION OF THEIR 50th WEDDING ANNIVERSARY.

Also:

H. J. R. 43. COMMENDING RILEY SMITH, MOBILE, ALABAMA.

Also:

H. J. R. 45. COMMENDING DR. HARPER SHANNON FOR HIS DEDICATION TO THE HUFFMAN BAPTIST CHURCH AND UPON HIS APPOINTMENT AS ASSOCIATE SECRETARY TO THE ALABAMA BAPTIST STATE CONVENTION.

Also:

H. J. R. 46. COMMENDING OMELDA SMITH OF CHICKASAW, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 50. CONGRATULATING MR. AND MRS. WALTER JACKSON BYRNE ON THE OCCASION OF THEIR 50th WEDDING ANNIVERSARY.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Reps. Martin, Carter and Butler:

H. J. R. 52. NAMING THAT PORTION OF ALABAMA HIGHWAY 20 FROM I-65 WEST TO U. S. HIGHWAY 31, IN LIMESTONE COUNTY, THE "POINT MALLARD HIGHWAY."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate that portion of Alabama Highway 20 from I-65 west to U. S. Highway 31, in Limestone County, the "Point Mallard Highway."

BE IT FURTHER RESOLVED, That the proper authorities are authorized to erect and maintain appropriate signs and markers, on Alabama 20 and I-65, so designating said portion of Alabama Highway 20 as the "Point Mallard Highway."

On motion of Rep. Martin, the rules were suspended and the resolution, H. J. R. 52, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Grayson:

H. 520. To amend Section 29-1-8 of the Code of Alabama 1975, relating to compensation and mileage of officers and members of the legislature, so as to provide further for such compensation and mileage and for reimbursement of certain other expenses of such officers and members.

Committee on Ways and Means.

By Rep. Grayson:

H. 521. To amend Sections 16-49-26 and 16-49-27, Code of Alabama 1975, which provide for the meetings and quorum of the Board of Trustees of Alabama Agricultural and Mechanical University, so as to provide further for said meetings and quorum.

Committee on Education.

By Reps. Smith and Martin:

H. 522. To amend Section 11-88-6, Code of Alabama 1975, relating to water, sewer and fire protection authorities, so as to provide further for compensation of members of the board of directors.

Committee on Ways and Means.

By Reps. Smith, Richardson, Clark (J), Blakeney, Harvey, Lindsey, Butler, and Faulk:

H. 523. Relating to the licensing of persons engaged in the business of dealing in exotic or pet birds; to define terms; to require licensing; to provide for seizure and destruction of diseased or exposed birds; to provide for regulation of the transfer of birds to include the keeping of records; to provide for promulgation of regulations, and the denial or revocation of licenses; to provide for hearings before the Commissioner of Agriculture and Industries and the Board of Agriculture and Industries and quasi judicial authority of the Commissioner and the Board for all hearings and orders; to provide criminal penalties and injunctive relief.

Committee on Agriculture and Forestry.

By Rep. Clark (J):

H. 524. To amend Section 40-23-4, Code of Alabama 1975, which provides for exemptions from the gross receipts tax, so as to include receipts from the telecasting or broadcasting of athletic contests conducted by non-profit organizations, educational institutions and associations composed of educational institutions within said exemption.

Committee on Ways and Means.

By Reps. White (L) and Ford:

H. 525. To amend Sections 32-6-110 and 32-6-111, Code of Alabama 1975, which provide for distinctive license plates for members of the National Guard, so as to provide that retired members may also purchase said license plates.

Committee on Ways and Means.

By Reps. Zoghby and Marietta (With Notice and Proof):

H. 526. Relating to any Class 2 municipality; providing for a referendum on the question of adoption of a court ordered district commission form of government or a mayor-council form of government; establishing in the alternative said forms of government; providing that the provisions of this act are inseparable and nonseverable; and providing for penalties for violations of certain provisions of this act.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 526, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turnham:

H. 527. To amend Section 36-26-15 of the Code of Alabama 1975 relating to the state merit system so as to further provide for the military preference during the lay-off of employees in the classified service, and to further define veterans credit in state service.

Committee on Military Affairs.

By Reps. Gaston, Kvalheim, and Johnson (Roy):

H. 528. To amend Sections 40-18-120 and 40-18-121, Code of Alabama 1975, to provide for the continuation of the solar energy tax credits and to further specify the conditions for allowance of the credits.

Committee on Ways and Means.

By Reps. Hettinger, Britnell, Butler, Hall, Coleman, Dutton, Rice, Burke, Grayson, Brooks, Carter, and Mitchell:

H. 529. To establish penalties for certain criminal activities in respect to computers.

Committee on Judiciary.

By Reps. Mitchell, Martin, Laird, Turner, Junkins, Rogers, and Johnson (RG):

H. 530. To regulate the sale and issue of pre-need burial contracts in this State; to prohibit the sale and issue of such contracts except upon compliance with provisions hereof; and to prescribe the penalty for violation of this act.

Committee on State Administration.

By Rep. Campbell:

H. 531. To further amend § 40-23-1, Code of Alabama 1975, as amended, which section contains various definitions applicable to the Alabama sales tax, so as to clarify, and remove ambiguity from, the definition of "sale or sales," and declaring that such clarification does not constitute a change in, but is declaratory of, the pre-existing law.

Committee on Judiciary.

By Reps. Kvalheim, Gaston, Harper, Marietta, McMillan, and Kennedy:

H. 532. To prohibit public and private motor vehicle carriers from transporting hazardous or flammable materials through tunnels; to provide for jurisdiction of certain law enforcement officers; and to provide penalties for violations.

Committee on Health.

By Reps. Kvalheim, Rice, Harper, Marietta, Turner, Clark (W), Gaston and Kennedy:

H. 533. To amend Sections 40-12-240 and 40-12-242 of the Code of Alabama 1975, which relate to motor vehicle licenses, so as to define the term "recreational vehicles" and to further provide for the license tax and fees on said recreational vehicles.

Committee on Ways and Means.

By Reps. Kvalheim and Gaston:

H. 534. To exempt the Mobile Jaycees, Inc. from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Reps. Kvalheim and Gaston:

H. 535. To repeal Sections 15-19-1 through 15-19-7 of the Code of Alabama 1975, relating to youthful offenders.

Committee on Judiciary.

By Reps. McMillan, Kvalheim, Harper, Marietta, and Smith:

H. 536. To amend Section 9-15-38, Code of Alabama 1975, relating to the sales of timber or minerals from school or swamp and overflowed lands, so as to remove the \$500.00 limit on the negotiated sale of damaged, diseased, or right-of-way timber; and to further provide for the negotiated sale of all other timber, the value of which does not exceed \$2,000.00.

Committee on Natural Resources.

By Rep. Adams (With Notice and Proof):

H. 537. Relating to Russell County; to establish a Motor Vehicle License Division to process motor vehicle title and license applications, transfers and renewals; to provide for assessment and collection of motor vehicle ad valorem taxes; to provide for authority to collect and remit license fees, taxes and monies due to the State of Alabama and the county; to provide for the optional mail order processing of license renewals and issuance with accompanying mail fees; to provide for the collection of sales taxes on used motor vehicles sold by non-dealers; to provide for the requirement of proof of payment of any federal highway use taxes due before issuing licenses; to provide for the appointment of a Motor Vehicle License Commissioner by the county governing body in charge of said Motor Vehicle License Division with administrative authority over said division; to require said commissioner to obtain an adequate bond; and to provide for transferring all of the duties, responsibilities and enforcement of motor vehicle licensing, ad valorem tax assessment and collection as well as enforcement otherwise under authority of the Probate Judge, Tax Assessor, Tax Collector and License Inspector, to the Motor Vehicle License Division and said License Commissioner.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 537, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Adams (With Notice and Proof):

H. 538. To provide for the filing for record and the preservation of all orders and judgments made and entered by any judge of the circuit court of the 26th Judicial Circuit of Alabama.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 538, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACTS NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Adams (With Notice and Proof):

H. 539. Authorizing and empowering the Russell County Commission to raise additional revenue by levying in those parts of the county outside the corporate limits of the cities of Hurtsboro and Phenix City special county privilege license and excise taxes paralleling, at lower rates, state sales and use taxes as provided for in Chapter 23 of Title 40 of the Code of Alabama 1975; providing for the ascertainment, collection, payment, distribution and use of the proceeds of such license tax, and for the enforcement of the act by the state department of revenue; and prescribing penalties and fixing punishment for violations.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 539, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Adams (With Notice and Proof):

H. 540. Relating to Russell County; authorizing the county commission to levy an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, as amended, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and providing for the termination of this act.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 540, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Adams (With Notice and Proof):

H. 541. Relating to Russell County; abolishing the office of constable; and providing an effective date.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 541, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Holley:

H. 542. Relating to the subsistence allowance for certain law enforcement officers; to amend Section 36-21-2, Code of Alabama 1975, so as to provide that investigators employed by district attorneys shall be paid such allowance; and to make a supplemental appropriation for fiscal year 1984-85 and an appropriation for 1985-86 to cover the cost.

Committee on Ways and Means.

By Rep. Holley:

H. 543. To provide for the appointment and qualifications of district attorneys' investigators and to confer certain law enforcement powers upon such investigators.

Committee on Judiciary.

By Reps. Browder, Drake, Moore, Johnson (Roy), Reed, Holley, Parker, Bugg, Carter, Brakefield, Spratt, Newton, Martin, Thomas, Mitchell, Blakeney, Onderdonk, Lauderdale, Coburn, Albright, Bryant, Crow, Grayson, Rogers, Newman, Blake, Campbell, Harvey, Turner, Bowling, Buskey (John), Goodwin, Clark (D), Dutton, Boles, Richardson, and Britnell:

H. 544. This Act provides for the development and establishment of an incentive-based pay plan for the teachers of the public schools of Alabama; provides career incentives for public school teachers; initiates a program of performance appraisal; and establishes salary progressions for education personnel.

Committee on Ways and Means.

RESOLUTIONS

The following resolution was introduced:

By Rep. Johnson (Roy):

H. J. R. 53. INVITING MR. JOHN WALSH TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

WHEREAS, Mr. John Walsh of Washington, D. C., is the director of the National Child Find program; and

WHEREAS, Mr. Walsh and his wife, Reve, are the parents of Adam Walsh whose disappearance and subsequent death were the principal components and the basis of the nationally-televised movie entitled, "Adam"; and

WHEREAS, it was thus that the unspeakable tragedy that befell young Adam Walsh and his parents became the impetus for national focus on the ever-widening problem of missing children throughout the United States; and

WHEREAS, since his young son's death, Mr. Walsh has dedicated his considerable energies, time and efforts in helping our nation unite in the common cause of locating our missing children and re-uniting parents and child; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most respectfully request Mr. John Walsh to appear before a Joint Session of the Alabama Legislature on March 26, 1985, at the hour of his convenience, and that he address the Legislature on the problems of missing children, a tragedy occurring all too often in Alabama as well as nationwide.

BE IT FURTHER RESOLVED, That Mr. Walsh be advised, by copy of this resolution, of the Legislature's invitation and of our hopeful anticipation of his acceptance.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 53, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Blakeney:

H. R. 54. COMMENDING CHARLOTTE PRITCHETT OF DIXON MILLS, ALABAMA, ON THE OCCASION OF HER 119th BIRTHDAY.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 6. REPEALING REVENUE DEPARTMENT RULE NO. 810-5-2-.02 ENTITLED, "CERTIFICATE OF TITLE REQUIRED—CONTINUANCE OF RECORDED LEGENDS."

Also:

S. J. R. 7. DESIGNATING THE MONTH OF FEBRUARY 1985, AND EACH FEBRUARY THEREAFTER, "AMERICAN HISTORY MONTH" IN THE STATE OF ALABAMA.

Also:

S. J. R. 12. COMMENDING MRS. ANNE GIVENS OF VINEGAR BEND, ALABAMA, PRESIDENT OF GFWC-ALABAMA.

Also:

S. J. R. 17. URGING THE AMERICAN PUBLIC TO PARTICIPATE IN TESTS FOR THE EARLY DETECTION OF CANCER.

Also:

S. J. R. 18. COMMENDING THE ALABAMA FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN'S CLUBS.

Also:

S. J. R. 13. COMMENDING THE HONORABLE CLAUDE DENSON PEPPER, A DISTINGUISHED NATIVE SON OF THE STATE OF ALABAMA.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. R. 55. COMMENDING THE BOARD OF TRUSTEES OF AUBURN UNIVERSITY ON ITS EFFORTS TO REORGANIZE THE ADMINISTRATIVE STRUCTURE OF AUBURN UNIVERSITY AND EMPHASIZING THE IMPORTANCE OF AGRICULTURE IN ANY SUCH REORGANIZATION.

WHEREAS, The Board of Trustees of Auburn University is currently considering various plans of reorganization for the administrative structure of Auburn University; and

WHEREAS, Auburn University has historically fulfilled and today continues to play an important role in the development of the bountiful agricultural resources of this State; and

WHEREAS, As Alabama's land-grant university, any reorganization plan for Auburn University should be designed so as to assist the University in the carrying out the traditional goals of the nation's land-grant universities while simultaneously allowing for the broadening of academic goals and the achievement of administrative economy; and

WHEREAS, land-grant universities in other states have traditionally provided, just as Auburn University has, for a vice president for agriculture; and

WHEREAS, The importance of agriculture to this State cannot be overemphasized; and

WHEREAS, Auburn University's Experiment Station and Extension Service are among the University's most important assets and functions;

NOW THEREFORE BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, assembled in Regular Session, that the Board of Trustees of Auburn University is commended for its efforts to improve the administrative structure of Auburn University and is further encouraged to develop a reorganization plan for the administrative structure of Auburn University that will provide for increased economy and greater effectiveness of operation while continuing to afford an appropriately prominent position to the agriculture and extension functions of the University, preferably in a manner similar to that of land-grant universities in other states, which have traditionally provided that agriculture, extension and related life science activities (including the Experiment Station) be organized under the direction of a University Vice President for agriculture and biological sciences, and

RESOLVED FURTHER, That copies of this Resolution be forwarded to the members of the Board of Trustees of Auburn University and to the Honorable James M. Martin, President of Auburn University.

The resolution, H. R. 55, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 38. RECOGNIZING THE GENERAL FEDERATION OF WOMEN'S CLUBS-ALABAMA AND THE CONTRIBUTIONS THEREOF

FOR PROMOTING COMMON INTERESTS IN ARTS, EDUCATION, MORAL AND SPIRITUAL VALUES, PHILANTHROPY, AND PUBLIC WELFARE THROUGHOUT OUR STATE AND NATION.

Also:

H. J. R. 41. PETITIONING THE CONGRESS TO RELIEVE THE STATES FROM THE BURDEN OF COLLECTING SOCIAL SECURITY TAXES FROM POLITICAL SUBDIVISIONS AND THEIR INSTRUMENTALITIES.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Warren and White (F):

H. R. 56. COMMENDING ALVIN DOWNING OF BREWTON, ALABAMA, FOR DISTINGUISHED SERVICE TO THE FORESTRY INDUSTRY.

Also:

The following resolution was introduced:

By Rep. Bowling:

H. R. 57. REQUESTING THE APPROPRIATE STATE AGENCIES TO DILIGENTLY RESEARCH ANY POLLUTION OF SMITH LAKE DUE TO COAL MINING OR OTHER OPERATIONS.

WHEREAS, Smith Lake, located in Walker, Cullman and Winston Counties, is a source of drinking water for the Birmingham metropolitan area and a major recreational site for northern Alabama; and

WHEREAS, Smith Lake has long been known as one of Alabama's cleanest and most pristine water reserves; and

WHEREAS, local residents are increasingly complaining about pollution of Smith Lake brought about by surface mining operations in the area; and

WHEREAS, while mining operations are of unquestioned economic value to the state, the future of recreational areas and water quality are of equal importance; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Department of Environmental Management (ADEM) and the Alabama Surface Mining Reclamation Council (ASMRC) conduct a thorough investigation into possible pollution of Smith Lake and report its findings to the Legislature's Oversight Committee on Hazardous Waste.

BE IT FURTHER RESOLVED, That where violations are found, corrective action be immediately taken to preserve lake quality, and

BE IT FINALLY RESOLVED, That no permits be granted unless all standards are met including unlawful discharge from sedimentation ponds into either Smith Lake or its tributaries.

The resolution, H. J. R. 57, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Newman:

H. R. 58. COMMENDING MR. AND MRS. J. T. LANGSTON ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Rep. Newman:

H. R. 59. COMMENDING MR. AND MRS. JAMES CLAYTON LAWRENCE ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Rep. Newman:

H. R. 60. COMMENDING MR. AND MRS. MUNCIE C. FRANKS ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Rep. Newman:

H. R. 61. COMMENDING MRS. NOLA H. GARRISON, MERIT MOTHER OF THE YEAR.

Also:

By Rep. Newman:

H. R. 62. CONGRATULATING MR. WILLIE GRAHAM OF MILLPORT, ALABAMA, ON THE OCCASION OF HIS 85TH BIRTHDAY.

Also:

By Rep. Newman:

H. R. 63. COMMENDING MRS. SHERRY SIMPSON GREY, BERRY'S CITIZEN OF THE YEAR FOR 1984.

Also:

By Rep. Newman:

H. R. 64. COMMENDING MR. AND MRS. HEZZIE ALLEN ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Rep. Newman:

H. R. 65. COMMENDING MR. AND MRS. CLYDE FREEMAN ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Foshee:

S. J. R. 22. RELATING TO THE PRINTING OF ACTS AND JOURNALS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, both Houses thereof concurring, that the printed Acts and Journals of the Second Special Session of 1984 and the First Special Session of 1985, be bound together, and be bound separately from the Regular Session of 1985.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 22, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Teague:

S. J. R. 21. URGING THE CONGRESS OF THE UNITED STATES TO PROVIDE SUFFICIENT FUNDING FOR THE FINANCIALLY AND OPERATIONALLY SOUND CONTINUATION OF AMTRAK SERVICES IN FISCAL YEAR 1986.

Also:

By Senators Bennett, Hilliard, Parsons, Horn, Amari, and Cabaniss:

S. J. R. 26. COMMENDING ODESSA WOOLFOLK AS CAREER WOMAN OF THE YEAR.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 21, the title of which is set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

On motion of Rep. Holley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 26, the title of which is set out in the above and foregoing Message from the Senate.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Turnham, the rules were suspended in order to bring up Budget Isolation Resolution, relating to H. B. 163.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Turnham, Budget Isolation Resolution, H. B. 163, was adopted.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Crow, Davis, Faulk, Flowers, Gaston, Goodwin, Grayson, Hammett, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starr, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), and White (L).

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And the bill:

H. 163. Relating to the Alabama Uniform Certificate of Title and Antitheft Act; to amend Section 32-8-41, Code of Alabama 1975, so as to eliminate the requirement of the state department of revenue to issue a nontransferable duplicate certificate of title for mailing to the owner to serve as a permit for the operation of a motor vehicle; and to amend Section 32-8-38, Code of Alabama 1975, so as to provide that the owner's permit copy of the application for certificate of title be retained by the owner as a nonnegotiable document as evidence of ownership and as a permit for the operation of a motor vehicle in order to eliminate the use of a form that duplicates the effects of another form.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Black, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Gaston, Goodwin, Grayson, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, Marietta, Martin, Mathis, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—84

RESOLUTION

The following resolution was introduced:

REGULAR SESSION
5th Day

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By Rep. Holley:

H. J. R. 66. BE IT RESOLVED, That the Interim Committee on Finances and Budgets will have until the eighth legislative day to present the Budget Hearing Report to members of the legislature.

On motion of Rep. Holley, the rules were suspended and the resolution, H. J. R. 66, was adopted.

REPORT FILED

Pursuant to House Joint Resolution 8, Act 83-251 and House Joint Resolution 164, Act 84-343 of the Alabama Legislature, Rep. W. C. Bowling, Chairman, submitted the report of the Legislative Joint Interim Vocational Education Study Committee, and the report was ordered filed.

H. 406 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 406, from the Standing Committee on Ways and Means to the Standing Committee on Judiciary.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 4:50 P. M. on February 20, 1985.

H. J. R. 5

H. J. R. 6

H. J. R. 11

H. J. R. 12

H. J. R. 13

H. J. R. 14

H. J. R. 15

H. J. R. 24

H. J. R. 25

H. J. R. 26

H. J. R. 27

H. J. R. 28

H. J. R. 29

H. J. R. 30

H. J. R. 31

H. J. R. 32

H. J. R. 34
H. J. R. 16
H. J. R. 17
H. J. R. 18
H. J. R. 39
H. J. R. 40
H. J. R. 42
H. J. R. 43
H. J. R. 45
H. J. R. 46
H. J. R. 50

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Holley, the House adjourned until 10:00 o'clock a.m.,
Thursday, February 21, 1985.

SIXTH DAY

House of Representatives
Montgomery, Alabama
Thursday, February 21, 1985

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Horace P. Turner,
Canaan Hill Baptist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to
their names.

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice,

Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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A quorum was present.

MOTION TO SUSPEND RULES AND ADOPT REPORT OF
STANDING COMMITTEE ON RULES LOST

The motion offered by Rep. Clark (J) to suspend the rules in order to dispense with the reading at length of the Journal of the House of Representatives for the fifth legislative day and to adopt the report of the Standing Committee on Rules was lost, lacking a four-fifths vote.

Yeas 55; Nays 19.

Yeas:

Mr. Speaker, Adams, Albright, Biddle, Blake, Boles, Box, Brooks, Browder, Bryant, Bugg, Burke, Butler, Carter, Clark (J), Coburn, Cosby, Davis, Escott, Fuller, Gaston, Grouby, Hammett, Holley, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McKee, McNair, Marietta, Mikell, Moore, Newman, Newton, Nicholson, Parker, Perdue, Poole, Pratt, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Turner, Venable and Zoghby.

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Nays:

Reps. Bachus, Beasley, Britnell, Buskey (James), Carothers, Clark (D), Clark (W), Dutton, Goodwin, Harper, McMillan, Martin, Mathis, Penry, Rains, Warren, White (F), White (G) and White (L).

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READING OF JOURNAL

The Speaker directed the Clerk to read the Journal of the House for the fifth legislative day, and the reading commenced.

The reading at length of the Journal of the House of Representatives for the fifth legislative day having been completed, and on motion of Rep. Clark (J), the Journal was approved as read, and the report of the Standing Committee on Rules was concurred in and adopted.

REPORT FILED

Pursuant to House Joint Resolution 232, Act No. 80-312 of the Legislature of Alabama, Rep. Mary S. Zoghby, Chairman, submitted the report of the Joint Interim Committee to Study Juvenile Justice, and the report was ordered filed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 66. BE IT RESOLVED, That the Interim Committee on Finances and Budgets will have until the eighth legislative day to present the Budget Hearing Report to members of the legislature.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 66. Relative to presenting the Budget Hearing Report to members of the Legislature.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 38. RECOGNIZING THE GENERAL FEDERATION OF WOMEN'S CLUBS-ALABAMA AND THE CONTRIBUTIONS THEREOF FOR PROMOTING COMMON INTERESTS IN ARTS, EDUCATION, MORAL AND SPIRITUAL VALUES, PHILANTHROPY, AND PUBLIC WELFARE THROUGHOUT OUR STATE AND NATION.

Also:

H. J. R. 41. PETITIONING THE CONGRESS TO RELIEVE THE STATES FROM THE BURDEN OF COLLECTING SOCIAL SECURITY TAXES FROM POLITICAL SUBDIVISIONS AND THEIR INSTRUMENTALITIES.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length

having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 226 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 226, from the Standing Committee on Ways and Means to the Standing Committee on State Administration.

H. 354 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 354, from the Standing Committee on Judiciary to the Standing Committee on Health.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 67. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That upon reaching the Calendar, all uncontested local bills and the general bills listed below, along with Budget Isolation Resolutions pertinent thereto and attached hereto, shall be made the special, paramount and continuing order of business beginning the 6th Legislative Day of the Regular Session of 1985, February 21, 1985, taking precedence over any other business of the House until such time as said resolutions and bills are disposed of:

All uncontested local bills in the order as they appear on the Calendar

H. B. 6	Smith	Legal age, drinking	Page 23
H. B. 114	Campbell	Territorial bill, electric sup- pliers	Page 11

AMENDMENT OFFERED

Rep. Carothers offered the following amendment to the resolution, H. R. 67:

Amend H. R. 67, page 1, by striking the following:

H. B. 114.

AMENDMENT TABLED

On motion of Rep. Clark (J), the amendment offered by Rep. Carothers to the resolution, H. R. 67, was tabled.

Yeas 50; Nays 21.

Yeas:

Mr. Speaker, Adams, Black, Bowling, Box, Brakefield, Bryant, Burke, Buskey (John), Campbell, Carter, Clark (J), Coburn, Cosby, Crow, Davis, Ford, Fuller, Gaston, Grouby, Holley, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, McDowell, McKee, McNair, Marietta, Martin, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Perdue, Poole, Rains, Richardson, Rogers, Seibels, Smith, Spratt, Thomas, Turner and Zoghby.

Nays:

Reps. Bachus, Beasley, Beers, Brooks, Butler, Carothers, Clark (D), Goodwin, Grayson, Harper, Johnson (RG), McMillan, Mathis, Penry, Reed, Rice, Starkey, Warren, White (F), White (G) and White (L).

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RESOLUTION ADOPTED

The question was then on the resolution, H. R. 67, and on motion of Rep. Clark (J), the resolution was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Box, Budget Isolation Resolution, H. B. 125, was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blake, Blakeney, Box, Britnell, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Crow, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Hall, Hammett, Harper, Hettinger, Holley, Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillan, Marietta, Mathis, Melton, Mitchell, Newman, Newton, Onderdonk, Parker, Perdue, Rains, Reed, Richardson, Seibels, Spratt, Starkey, Turner, Venable, White (F), White (G), White (L) and Zoghby.

—60

And the bill:

H. 125. Relating to Mobile County; to amend Section 3 of Act No. 83-731, S. 377 of the 1983 Regular Session of the Alabama Legislature (1983 Acts, p. 1184) cited as the "Mobile County Bingo Act"; so as to provide further for the operation of bingo games in Mobile County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 2.

Yeas:

Reps. Adams, Beasley, Beers, Black, Blakeney, Box, Britnell, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Coleman, Crow, Faulk, Fuller, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Hettinger, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Mikell, Mitchell, Moore, Newton, Onderdonk, Parker, Penry, Perdue, Preuitt, Rains, Reed, Richardson, Spratt, Starkey, Turner, Venable, White (F), White (G), White (L) and Zoghby.

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Nays: Mr. Speaker and Holley.

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REGULAR SESSION
6th Day

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CO-SPONSOR ADDED

Rep. Buskey (James) was added as co-sponsor to the bill, H. 125.

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 482. To provide a conditional appropriation of \$5 million from the State General Fund to Madison, Limestone, Morgan, Lauderdale, Colbert, Marion, Lawrence, Franklin, Cullman, Jackson and Winston counties for ice and weather-related damage.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 463. To alter or rearrange the boundary lines of the Town of Good Hope, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto in Cullman County, Alabama.

H. 464. To alter, or rearrange the boundary lines of the Town of Good Hope, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 526. (With Amendment): Relating to any Class 2 municipality; providing for a referendum on the question of adoption of a court ordered district commission form of government or a mayor-council form of government; establishing in the alternative said forms of government; providing that the provisions of this act are inseparable and nonseverable; and providing for penalties for violations of certain provisions of this act.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Holley:

H. 545. To amend Sections 34-22-1; 34-22-2; 34-22-6; 34-22-20; 34-22-23, 34-22-42, Code of Alabama, 1975, all of which relate to the regulation of the practice of optometry, so as to further define the practice of optometry; to extend the objects and purposes of the chapter; to further enumerate certain unlawful acts; to provide further for examination and qualification of applicants; to provide further grounds for revocation and suspension; to provide for additional powers and duties of board; and to provide further for the practice of optometry.

Committee on Health.

By Reps. Carothers, Mathis, and Beasley (With Notice and Proof):

H. 546. To provide for the filing for record and the preservation of all orders and judgments made and entered by any judge of the circuit court of the 20th Judicial Circuit of Alabama, and to provide that such judgments or orders shall have the same force and effect as minutes of the circuit court of said circuit prior to the passage and approval of this act.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 546, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

Also:

By Reps. Carothers; Beasley, and Mathis (With Notice and Proof):

H. 547. Relating to the 20th Judicial Circuit of Alabama; to provide that if a defendant in a criminal case enters a written plea of not guilty prior to his arraignment such plea shall constitute waiver of his right to have an arraignment at which he is present in person or represented by an attorney.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 547, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT. NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Carothers, Mathis, and Beasley:

H. 548. To exempt the Elks Club, B.P.O.E., No. 1887, a corporation, from the payment of certain state, county and municipal sales and use taxes, to make the provisions of this act retroactive to April 1, 1980.

Committee on Ways and Means.

By Rep. Beasley (With Notice and Proof):

H. 549. Relating to Henry County; providing further for the salary of the county superintendent of education and providing for an effective date.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. B. 549, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Johnson (Roy):

H. 550. To exempt the Alabama Wildlife Federation from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Rep. Johnson (Roy):

H. 551. To provide for a state archery hunting license or stamp; to provide for the costs and fees relating thereto, and distribution thereof; to prohibit hunting with a long bow or compound bow without said license or stamp; to provide criminal penalties for the violation of this act.

Committee on Natural Resources.

By Reps. Starr and Hooper:

H. 552. To exempt the Southern League Dixie Youth Baseball, Inc., and Southeastern League Dixie Youth Baseball, Inc., from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Reps. Kvalheim, Gaston, Campbell, and Harper:

H. 553. To provide that the sale or possession of a throwing star shall be a criminal offense; and to provide for penalties for violations.

Committee on Judiciary.

By Rep. Grayson:

H. 554. To amend Amendment No. 334 of the Constitution of 1901, relating to the Madison County Judicial Commission, so as to alter the composition and terms of the commission.

Committee on Local Legislation No. 4.

The above bill was read a first time at length as required by the Constitution.

By Rep. Venable (With Notice and Proof):

H. 555. Relating to Coosa County; to provide for a special recording fee on documents filed in the office of the judge of probate; and to prescribe the use thereof.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 555, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Mathis (With Notice and Proof):

H. 556. To alter or rearrange the boundary lines of the City of Geneva, Geneva County, Alabama, so as to include within the corporate limits of said City, all territory now within such corporate limits and also certain other territory contiguous thereto, in Geneva County, Alabama.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 556, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. McNair, Spratt, Bachus, Johnson (Roy), Campbell, Rogers, Kennedy, Clark (W), Davis, White (G), Beers, Payne, and Smith:

H. 557. Prescribing procedures and deadlines for certain special elections called by the Governor to fill vacancies in the state legislature.

Committee on Constitution and Elections.

By Reps. Bachus, White (G), Preuitt, Hall, Hettinger, McNair, Coleman, Newton, Hooper, Beers, Butler, Carter, Goodwin, Burke, Britnell, Lauderdale, Clark (D), Beasley, Lindsey, Mathis, Grouby, Sasser, Flowers, Carothers, Laird, Fuller, Warren, Hammett, Cosby, McKee, McMillan, Turnham, Boles, Spratt, Kennedy, Melton, Bowling, Marietta, Grayson, Mikell, Brooks, Kvalheim, Gaston, and Gray:

H. 558. To amend Sections 40-12-273 and 40-12-274 of the Code of Alabama 1975, so as to further provide for license tax and registration fee increases and the disposition of such additional fees as it pertains to passenger automobiles.

Committee on Ways and Means.

By Rep. Biddle:

H. 559. To provide in addition to benefits now received, a retirement cost of living increase to all persons retired under the Teachers' Retirement System of Alabama and certain persons retired under the Employees' Retirement System of Alabama prior to October 1, 1984, provided that any person whose retirement under the Employees' Retirement System is based on service to a local board of education or a state supported institution of higher education who participated pursuant to §36-27-6, shall be entitled to the increase provided herein to provide that any person whose eligibility to receive Medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; and to provide for the funding of the increases granted and the repeal of conflicting laws.

Committee on Ways and Means.

By Reps. Poole and Mitchell:

H. 560. To amend section 15-4-2, Code of Alabama 1975, relating to certain duties of the coroner, so as to require the coroner to positively identify certain dead persons.

Committee on Judiciary.

By Reps. Bowling, Lauderdale, Dutton, and Drake:

H. 561. To amend Section 40-2-64, Code of Alabama 1975 so as to remove the limitation of the number of assistant counsels which may be appointed to transact the legal business of the Department of Revenue.

Committee on Ways and Means.

By Reps. Ford and Junkins (With Notice and Proof):

H. 562. Relating to Etowah County; to provide for an expense allowance for the Commission Chairman and each County Commissioner and to provide for its retroactive effect.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 562, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harper:

H. 563. To provide authority for the Department of Corrections to contract or enter into agreements with private industry so as to establish effective, work oriented rehabilitation programs in an actual private enterprise work environment.

Committee on State Administration.

By Rep. Harper:

H. 564. To establish the Department of Corrections Agricultural Revolving Fund, to provide for its initial funding and to provide for its operation.

Committee on Ways and Means.

By Rep. Marietta:

H. 565. Providing for the creation and establishment of the Alabama Child Abuse Reporting Advisory Board; providing for membership and duties of such board; and providing for compliance by the department of pensions and security with certain provisions of this act.

Committee on Judiciary.

By Rep. Harper:

H. 566. To amend Section 14-3-9 of the Code of Alabama 1975 relating to reporting of violations of law; where such violations shall be prosecuted; to provide certain specified employees of the Department of Corrections with the same police authority as that held by a deputy sheriff or highway patrolman in the State of Alabama.

Committee on Judiciary.

SPECIAL ORDER RESUMED BUDGET ISOLATION RESOLUTION

On motion of Rep. Carter, Budget Isolation Resolution, H. B. 315, was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (W), Coburn, Crow, Davis, Fuller, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Mikell, Mitchell, Moore, Newman, Newton, Parker, Penry, Preuitt, Reed, Rice, Richardson, Seibels, Smith, Spratt, Turner, Venable, White (G) and Zoghby.

—53

And the bill:

H. 315. Pertaining to Limestone County; for purposes of clarification to provide that all county commissioners of Limestone County shall devote their entire time to the performance of the duties of their offices.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Black, Blake, Blakeney, Bowling, Brakefield, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Parker, Penry, Perdue, Reed, Rice, Richardson, Seibels, Spratt, Turner, Venable, White (F), White (G), White (L) and Zoghby.

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BUDGET ISOLATION RESOLUTION

On motion of Rep. Warren, Budget Isolation Resolution, H. B. 408, was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Black, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Faulk, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, McNair, Marietta, Martin, Mikell, Mitchell, Newman, Newton, Parker, Penry, Perdue, Poole, Preuitt, Reed, Rice, Richardson, Rogers, Seibels, Smith, Spratt, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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And the bill:

H. 408. To alter or rearrange the boundary lines of the Town of Excel, Monroe County, Alabama, so as to include in the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto in Monroe County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Black, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Burke, Buskey (John), Butler, Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Faulk, Ford, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Martin, Melton, Mikell, Mitchell, Newman, Newton, Parker, Penry, Perdue, Poole, Preuitt,

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Reed, Rice, Richardson, Seibels, Smith, Spratt, Starkey, Turner, Venable, Warren, White (F), White (G) and Zoghby.

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BUDGET ISOLATION RESOLUTION

On motion of Rep. White (L), Budget Isolation Resolution, H. B. 412, was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Coburn, Crow, Davis, Faulk, Ford, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Hettinger, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Martin, Melton, Mikell, Mitchell, Newman, Parker, Penry, Perdue, Poole, Preuitt, Reed, Seibels, Smith, Starkey, Turner, Venable, Warren, White (F), White (G) and Zoghby.

—58

And the bill:

H. 412. To amend Section 17-4-156, Code of Alabama 1975, as amended, relating to the meeting days of the boards of registrars, so as to increase Tallapoosa County's board of registrars meeting days.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Clark (D), Clark (W), Coleman, Crow, Davis, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Hettinger, Johnson (RG), Junkins, Kennedy, Kvalheim, Lindsey, McMillan, Martin, Mikell, Mitchell, Newman, Newton, Nicholson, Penry, Perdue, Poole, Reed, Rice, Rogers, Seibels, Smith, Spratt, Starkey, Turner, Venable, Warren, White (F), White (L) and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 22. RELATING TO THE PRINTING OF ACTS AND JOURNALS.

Also:

S. J. R. 26. COMMENDING ODESSA WOOLFOLK AS CAREER WOMAN OF THE YEAR.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

SPECIAL ORDER RESUMED
BUDGET ISOLATION RESOLUTION

On motion of Rep. Turner, Budget Isolation Resolution, H. B. 176, was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Bowling, Box, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carothers, Clark (D), Clark (W), Coleman, Crow, Davis, Ford, Fuller, Gaston, Goodwin, Grayson, Hammett, Harper, Hettinger, Junkins, Kennedy, Kvalheim, Lindsey, McMillan, McNair, Marietta, Mitchell, Moore, Newman, Newton, Parker, Penry, Poole, Preuitt, Reed, Rice, Seibels, Smith, Spratt, Starkey, Turner, Turnham, Venable, White (F), White (L) and Zoghby.

—56

And the bill:

H. 176. (With Amendments): To amend Sections 1, 2, 6, 8, 9, 10, 11, 13, 14, 16, 23, 24, 28 and 29 of Act No. 243, H. 278, of the First Special Session of 1964 (Acts 1964, p. 326) as amended, which provided for the pension and relief system for policemen and firemen of the City of Mobile, Alabama, so as to provide for the qualifications for membership in such system; for the designation of a special fund for certain payments by insurance companies to the system; for a financial consultant for such system; for the composition, powers and duties of the board of directors of such system; for a full-time secretary for such system; prohibiting the garnishment of pension funds; for eligibility and participation; for procedures for reimbursement from the city for certain pensions relating to work related disabilities; for computing certain pensions; for allowances to surviving spouses; for the transition of duties and responsibilities between the City of Mobile and the Board; for the procedure on appeal from a decision of the Board; for certain options in electing benefits under such system; for cost-of-living increases in pensions under such system and to specifically repeal Section 15 and 22 of said act.

Was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. 176, page 2, Section 1, line 17, by striking the words "of its net premiums" and insert in lieu thereof the following:

of the gross premiums, less return premiums, collected by such companies on policies issued during the preceding year in such municipality

And the amendment was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Carothers, Clark (D), Clark (W), Coburn, Coleman, Crow, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Hettinger, Holmes, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Moore, Newman, Nicholson, Parker, Penry, Poole, Preuitt, Reed, Rice, Richardson, Smith, Starkey, Turner, Turnham, Venable, Warren, White (F) and White (L).

—54

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

On page 6, on line 12 after the period insert:

Provided, however, any member may withdraw within 60 days of the effective date of this act from participation in the Pensions and Relief System upon filing with the Board of Pensions on a form prescribed by such Board a notice of his election to withdraw from the System. Any such member who elects to withdraw shall be entitled to have his contributions to the Fund paid to him upon demand at the time of his withdrawal.

And the amendment was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Box, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Clark (D), Clark (W), Coburn, Coleman, Crow, Ford, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Hettinger, Holmes, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Moore, Newman, Newton, Nicholson, Parker, Penry, Perdue, Poole, Preuitt, Reed, Rice, Richardson, Smith, Spratt, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—57

The question was then on the adoption of the amendment #3 reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

On page 11, on line 15 after the word "section" insert:

or participate in a cost of living increase plan in effect prior to the effective date of this act.

And the amendment was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Box, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Clark (D), Clark (W), Coburn, Coleman, Crow, Ford, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Hettinger, Holmes, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey,

McMillan, Marietta, Moore, Newman, Newton, Nicholson, Parker, Penry, Perdue, Preuitt, Reed, Rice, Smith, Spratt, Starkey, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—53

And the bill, H. 176, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 1.

Yeas:

Mr. Speaker, Bachus, Beasley, Black, Blake, Blakeney, Box, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Carothers, Clark (D), Clark (W), Coleman, Crow, Davis, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Hettinger, Holmes, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Moore, Newman, Newton, Nicholson, Parker, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Seibels, Smith, Spratt, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—58

Nay: Rep. Ford.

—1

BUDGET ISOLATION RESOLUTION

On motion of Rep. Turner, Budget Isolation Resolution, H. B. 175, was adopted.

Yeas 59; Nays 1.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Box, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Clark (D), Clark (W), Coburn, Coleman, Crow, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Hettinger, Holmes, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, McNair, Marietta, Moore, Newman, Newton, Parker, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—59

Nay: Rep. Dutton.

—1

And the bill:

H. 175. To amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939 (Local Acts 1939, page 298), which creates and establishes the County-wide Civil Service System in Mobile County, as amended by Act No. 684, H. 594 of the Regular Session of 1976 (Acts of Alabama 1976, page 939), so as to authorize each the presiding judge of the Circuit Court and the presiding judge of the District Court to designate members in their place on the Supervisory Committee of the Mobile County Personnel Board, and to provide for the election of a chairman of the said Supervisory Committee.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Box, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Clark (D), Clark (W), Crow, Davis, Faulk, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Hettinger, Holmes, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Mathis, Moore, Newman, Newton, Parker, Penry, Perdue, Poole, Preuitt, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Turner, Turnham, Venable, Warren, White (F) and Zoghby.

—59

BUDGET ISOLATION RESOLUTION

On motion of Rep. Turner, Budget Isolation Resolution, H. B. 179, was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Backus, Beasley, Black, Blake, Blakeney, Box, Brooks, Browder, Bryant, Buskey (John), Butler, Campbell, Carothers, Clark (D), Clark (W), Coburn, Crow, Davis, Faulk, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Hooper, Junkins, Kennedy, Kvalheim, Lindsey, McMillan, McNair, Marietta, Mikell, Moore, Newton, Parker, Penry, Perdue, Poole, Rice, Richardson, Rogers, Seibels, Smith, Spratt, Turner, Turnham, Venable, Warren, White (F) and Zoghby.

—59

And the bill:

H. 179. (With Amendments): To provide a supplement to the salaries of circuit court bailiffs in the Thirteenth Judicial Circuit

Was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. B. 179, page 1, line 17 after the word "circuit" by adding the following: or district

And the amendment was adopted.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blake, Blakeney, Box, Britnell, Brooks, Browder, Bryant, Buskey (John), Butler, Carothers, Clark (D), Clark (W), Crow, Davis, Faulk, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Hooper, Junkins, Kennedy, McMillan, Marietta, Moore, Newman,

Newton, Parker, Penry, Perdue, Poole, Rice, Rogers, Smith, Spratt, Turner, Turnham, Venable, Warren, White (F) and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. B. 179, page 1, Section 1, line 18, after the word "there" by striking ~~shall~~ and inserting in lieu thereof the following: may

And the amendment was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Beers, Black, Blake, Blakeney, Box, Britnell, Brooks, Browder, Bryant, Buskey (John), Butler, Carothers, Clark (D), Clark (W), Coburn, Crow, Davis, Faulk, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Hooper, Junkins, Kennedy, Kvalheim, McMillan, Marietta, Mathis, Moore, Newton, Parker, Penry, Poole, Rains, Rice, Rogers, Smith, Spratt, Turner, Turnham, Venable, Warren, White (F), White (G) and Zoghby.

—55

AMENDMENT OFFERED

Rep. Turner offered the following amendment to the bill, H. 179 as amended:

Amend H. B. 179, page 1, line 19, after the word "salary" by striking ~~in~~ and inserting in lieu thereof the following: not to exceed

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Buskey (John), Butler, Clark (D), Clark (W), Coburn, Crow, Faulk, Gaston, Goodwin, Grayson, Hall, Harper, Hettinger, Holmes, Junkins, Kennedy, Kvalheim, McMillan, Marietta, Mathis, Moore, Parker, Penry, Perdue, Rains, Spratt, Turner, Warren, White (F), White (G) and Zoghby.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 179 TEMPORARILY CARRIED OVER

On motion of Rep. Turner, further consideration of the bill, H. 179 as amended, was temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Turner, Budget Isolation Resolution, H. B. 180, was adopted.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Albright, Bachus, Beasley, Black, Blake, Blakeney, Box, Britnell, Brooks, Browder, Bryant, Buskey (James), Butler, Clark (D), Coburn, Crow, Davis, Faulk, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Hettinger, Holmes, Junkins, Kennedy Kvalheim, Lauderdale, McMillan, McNair, Marietta, Melton, Moore, Newman, Newton, Parker, Penry, Perdue, Poole, Rains, Smith, Spratt, Turner, Turnham, Venable, Warren, White (F) and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 180. Relating to the City of Citronelle, Mobile County, to provide for the payment of certain oil and gas tax proceeds to the volunteer rescue squad and the historical society and to create a board to determine such allocation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Albright, Bachus, Beasley, Black, Blake, Blakeney, Box, Britnell, Brooks, Browder, Buskey (James), Buskey (John), Butler, Clark (D), Clark (W), Crow, Davis, Faulk, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Hettinger, Holmes, Johnson (RG), Kennedy, Kvalheim, Marietta, Martin Mathis, Melton, Newton, Onderdonk, Parker, Perdue, Poole, Rogers, Seibels, Smith, Spratt, Starkey, Turner, Turnham, Venable, White (F), White (G) and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Turner, Budget Isolation Resolution, H. B. 178, was adopted.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Buskey (James), Butler, Clark (D), Clark (W), Crow, Davis, Faulk, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Hettinger, Holmes, Hooper, Kennedy, Kvalheim, Lauderdale, McNair, Marietta, Martin, Mikell, Moore Newton, Parker, Perdue, Poole, Rogers, Seibels, Smith, Spratt, Thomas, Turner, Turnham, Venable, White (F), White (G) and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 178. Relating to Mobile County; to authorize and empower the county commission to promulgate and implement rules and regulations to prevent erosion and commercial development in approved residential subdivision developments in the county and to provide for civic remedy for enforcement of such rules and regulations.

Was taken up.

AMENDMENT OFFERED

Rep. Turner offered the following amendment to the bill, H. 178:

Amend line 15 after the word "in" and add the words, or adjacent to.

Amend line 21 by deleting the word "of" after the word "development" and add the words, in or adjacent to.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Blakeney, Box, Britnell, Brooks, Browder, Bryant, Buskey (John), Butler, Clark (J), Clark (W), Coburn, Crow, Davis, Faulk, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Hettinger, Holmes, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Martin,

Mikell, Moore, Newman, Newton, Parker, Perdue, Poole, Rogers, Seibels, Smith, Spratt, Starkey, Turner, Turnham, Venable, White (F), White (G) and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 178. Relating to Mobile County; to authorize and empower the county commission to promulgate and implement rules and regulations to prevent erosion and commercial development in or adjacent to approved residential subdivision developments in the county and to provide for civic remedy for enforcement of such rules and regulations.

As thus amended, was read a third time at length, passed and ordered engrossed.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Butler, Clark (D), Clark (J), Clark (W), Coburn, Crow, Faulk, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Hettinger, Holmes, Hooper, Kennedy, Kvalheim, Lauderdale, Marietta, Martin, Mikell, Moore, Newman, Newton, Onderdonk, Parker, Perdue, Poole, Rains, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Thomas, Turner, Turnham, Venable, White (F), White (G) and Zoghby.

—58

BUDGET ISOLATION RESOLUTION

On motion of Rep. Buskey (James), Budget Isolation Resolution, H. B. 208, was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Buskey (John), Butler, Clark (D), Clark (W), Coburn, Crow, Davis, Faulk, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Hettinger, Holmes, Hooper, Johnson (RG), Kennedy, Kvalheim, Lauderdale, McNair, Marietta, Martin, Mitchell, Moore, Newman, Newton, Parker, Perdue, Poole, Rains, Rogers, Seibels, Smith, Spratt, Starkey, Thomas, Turner, Turnham, Venable, White (F), White (L) and Zoghby.

—58

And the bill:

H. 208. Relating to the City of Mobile; amending Section 22 of Act No. 243, H. 278, 1964 First Special Session (Acts 1964, p. 326), relating to

the pension and relief system for police and fire department members, so as to allow any member of the system to withdraw from participation at any time.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Black, Blake, Blakeney, Box, Britnell, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Butler, Clark (D), Clark (W), Coburn, Crow, Davis, Faulk, Ford, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Hettinger, Holmes, Hooper, Johnson (RG), Kvalheim, Lauderdale, McMillan, Marietta, Martin, Melton, Mikell, Newman, Newton, Parker, Penry, Perdue, Poole, Rains, Rogers, Smith, Spratt, Starkey, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—56

CO-SPONSOR ADDED

Rep. Box was added as co-sponsor to the bill, H. 208.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Buskey (James), Budget Isolation Resolution, H. B. 210, was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Albright, Black, Blake, Blakeney, Box, Britnell, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Coburn, Coleman, Crow, Davis, Faulk, Ford, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Hettinger, Holmes, Johnson (RG), Kennedy, Kvalheim, Lauderdale, McMillan, McNair, Marietta, Moore, Newman, Newton, Parker, Penry, Perdue, Poole, Seibels, Smith, Spratt, Starkey, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—56

And the bill:

H. 210. Relating to the City of Prichard in Mobile County, Alabama; prescribing procedure for filling a vacancy in the office of mayor in such city.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Blake, Blakeney, Box, Britnell, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Coburn, Coleman, Crow, Davis, Faulk, Ford, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holmes,

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Johnson (RG), Kennedy, Kvalheim, Lauderdale, McMillan, Marietta, Melton, Newman, Newton, Parker, Penry, Perdue, Seibels, Spratt, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—55

BUDGET ISOLATION RESOLUTION

On motion of Rep. Buskey (James), Budget Isolation Resolution, H. B. 211, was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Coburn, Coleman, Crow, Davis, Ford, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Kennedy, Kvalheim, Lauderdale, McNair, Marietta, Martin, Newman, Newton, Parker, Perdue, Rogers, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—55

And the bill:

H. 211. To provide for an adjustment in certain benefits paid under the pension and relief system for policemen and firemen of the City of Mobile to retired members of such system who retired after October 1, 1977, and before May 4, 1978.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 1.

Yeas:

Mr. Speaker, Beers, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Coburn, Coleman, Crow, Davis, Faulk, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Hooper, Johnson (RG), Kennedy, Kvalheim, Lauderdale, McMillan, Marietta, Martin, Newman, Newton, Parker, Penry, Perdue, Poole, Rogers, Seibels, Smith, Spratt, Thomas, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—59

Nay: Rep. Albright.

—1

BUDGET ISOLATION RESOLUTION

On motion of Rep Buskey (James), Budget Isolation Resolution, H. B. 212, was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Albright, Bachus, Black, Blake, Blakeney, Brakefield, Britnell, Brooks, Browder, Bryant, Buskey (James), Butler, Carter, Clark (W), Coburn,

Coleman, Crow, Davis, Faulk, Ford, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Kennedy, Lauderdale, McNair, Marietta, Martin, Melton, Newman, Newton, Parker, Perdue, Poole, Rice, Seibels, Smith, Spratt, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—54

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 53. INVITING MR. JOHN WALSH TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

And the bill:

H. 212. Relating to Mobile County; prescribing procedure for filling certain vacancies on the county commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Beers, Black, Blake, Box, Britnell, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Lauderdale, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Newton, Nicholson, Parker, Perdue, Poole, Preuitt, Rice, Seibels, Smith, Spratt, Thomas, Turnham, Venable, Warren and Zoghby.

—56

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution, H. B. 184, was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Black, Blake, Box, Britnell, Brooks, Browder, Bryant, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Faulk, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Newton,

Nicholson, Parker, Perdue, Poole, Preuitt, Rice, Rogers, Seibels, Smith, Spratt, Turnham, Venable, Warren, White (F) and Zoghby.

—56

And the bill:

H. 184. (With Amendment): Relating to Mobile County; exempting all real and personal property owned and used as community centers, ball parks and recreational facilities by nonprofit businesses and corporations from all county ad valorem taxation.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. B. 184, page 1, Section 1, line 17, after the words "ball parks" by adding the following , the Mobile Exploreum, Inc., the Mobile Jaycees

And the amendment was adopted.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Britnell, Brooks, Browder, Bryant, Buskey (James), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Crow, Davis, Faulk, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Johnson (RG), Johnson (Roy), Junkins, Lauderdale, McMillan, Marietta, Martin, Mathis, Melton, Newton, Nicholson, Parker, Perdue, Poole, Reed, Rice, Rogers, Seibels, Smith, Spratt, Starkey, Thomas, Turner, Turnham, Venable and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the Bill, H. 184, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Beers, Box, Britnell, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Coburn, Crow, Davis, Faulk, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Melton, Newton, Nicholson, Parker, Perdue, Poole, Reed, Rice, Rogers, Seibels, Smith, Spratt, Starkey, Turner, Turnham, Venable, White (F) and Zoghby.

—57

CO-SPONSOR ADDED

Rep. Zoghby was added as co-sponsor to the bill, H. 184.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution, H. B. 185, was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Beers, Black, Britnell, Brooks, Browder, Bryant, Buskey (James), Butler, Carter, Clark (D), Clark (W), Coburn, Crow, Faulk, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, McNair, Marietta, Martin, Mathis, Melton, Newton, Nicholson, Parker, Poole, Preuitt, Rice, Rogers, Seibels, Smith, Spratt, Starkey, Thomas, Turner, Turnham, Venable, White (L) and Zoghby.

—56

And the bill:

H. 185. (With Amendment): To amend Section 1 of Act No. 319, H. 593, of the 1976 Regular Session (Acts 1976, p. 353), which provided for a mosquito, rodent and other vector control ad valorem tax in Mobile County, so as to provide further for certain exemptions from such tax.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. B. 185, page 1, Section 1, line 34 after the words "ball parks" by adding the following: , the Mobile Exploreum, Inc., the Mobile Jaycees

And the amendment was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Beers, Black, Box, Britnell, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Crow, Davis, Faulk, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Hooper, Johnson (Roy), Junkins, Kvalheim, Lauderdale, McMillan, Marietta, Mathis, Melton, Mikell, Newman, Newton, Nicholson, Parker, Penry, Perdue, Poole, Rice, Rogers, Smith, Spratt, Starkey, Thomas, Turnham, Venable and Zoghby.

—54

And the bill, H. 185, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Black, Box, Britnell, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Coburn, Crow, Davis, Faulk, Fuller, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Hettinger, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Marietta, Mathis, Melton, Newman, Newton, Nicholson, Parker,

Perdue, Poole, Preuitt, Rice, Rogers, Smith, Spratt, Starkey, Thomas, Turner, Turnham, Venable, White (L) and Zoghby.

—54

CO-SPONSOR ADDED

Rep. Zoghby was added as co-sponsor to the bill, H. 185.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution, H. B. 187, was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Black, Box, Britnell, Brooks, Browder, Bryant, Buskey (James), Butler, Campbell, Carter, Clark (D), Clark (W), Coburn, Crow, Davis, Faulk, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Hooper, Junkins, Kennedy, Lauderdale, McMillan, Marietta, Martin, Mathis, Melton, Newman, Newton, Nicholson, Parker, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Rogers, Seibels, Smith, Spratt, Starkey, Thomas, Turner, Turnham, Venable, White (L) and Zoghby.

—59

And the bill:

H. 187. To prohibit the use of red clay or similar type soils on the beaches of Dauphin Island in Mobile County and to prescribe certain penalties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Black, Box, Britnell, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (W), Coburn, Crow, Faulk, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Marietta, Melton, Newman, Newton, Nicholson, Parker, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Rogers, Seibels, Smith, Spratt, Starkey, Thomas, Turner, Turnham, Venable, White (G) and Zoghby.

—60

CO-SPONSORS ADDED

Reps. Gaston and Marietta were added as co-sponsors to the bill, H. 187.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution, H. B. 188, was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Black, Box, Britnell, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Coburn,

Crow, Faulk, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Marietta, Martin, Moore, Newman, Newton, Nicholson, Parker, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Rogers, Seibels, Smith, Spratt, Starkey, Thomas, Turner, Turnham, Venable and Zoghby.

—58

And the bill:

H. 188. Relating to the Mobile County Solid Waste Management Program and the residence, appointment and number of the Solid Waste Management Advisory Board; amending Section III of Act No. 81-450, H. 825, of the 1981 Regular Session (Acts 1981, p. 773) therefor; making the provisions retroactive to any term effective after January 20, 1985.

Was taken up.

AMENDMENT OFFERED

Rep. Harper offered the following amendment to the bill, H. 188:

Amend H. B. 188 on page 1, Section 3, line 25, after the word "Delegation," by striking the ; and adding the following language:

and one of the two appointees shall be black,

Further amend after the word "Delegation" by striking on line 26, the ; and adding the following language:

and one of the two appointees shall be black,

Further amend on line 28 after the words "Mobile County" by adding the following:

, this appointee shall be black

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 58; Nays 1.

Yeas:

Mr. Speaker, Beasley, Black, Box, Britnell, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Coburn, Crow, Davis, Faulk, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Melton, Moore, Newton, Nicholson, Parker, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Seibels, Smith, Spratt, Starkey, Thomas, Turner, Turnham, Venable, White (L) and Zoghby.

—58

Nay: Rep. Rogers.

—1

AMENDMENT OFFERED

Rep. Harper offered the following amendment #2 to the bill, H. 188 as amended:

Amend H. B. 188, page 2, following line 28 by adding the following new sections:

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Britnell, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Coburn, Cosby, Crow, Davis, Faulk, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Hooper, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Melton, Mikell, Newton, Parker, Penry, Perdue, Poole, Rains, Reed, Rice, Rogers, Smith, Spratt, Starkey, Turner, Turnham, Venable and Zoghby.

—53

And the bill, H. 188, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Butler, Clark (D), Clark (W), Coburn, Cosby, Crow, Davis, Faulk, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Hooper, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Melton, Newton, Parker, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Rogers, Seibels, Smith, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (L) and Zoghby.

—56

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Pratt, the rules were suspended in order to bring up Budget Isolation Resolution, relating to H. B. 311.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Pratt, Budget Isolation Resolution, H. B. 311, was adopted.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Brakefield, Britnell, Brooks, Browder, Bryant, Buskey (James), Butler, Clark (D), Clark (W), Crow, Davis, Faulk, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Holmes, Hooper, Kennedy, Lauderdale, McDowell, McMillan, McNair, Marietta, Melton, Mikell, Newton,

Parker, Penry, Perdue, Pratt, Preuitt, Rogers, Seibels, Smith, Spratt, Thomas, Turnham, Venable and White (G).

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 311. A bill to supplement the salaries of the District Judges of the Tenth Judicial Circuit.

Was taken up.

AMENDMENT OFFERED

Rep. Pratt offered the following amendment to the bill, H. 311:

AMEND H. B. 311 BY ADDING A NEW SECTION 3 AND RE-NUMBERING.

Section 3. It is further provided that this Act shall not become effective, and that this Act shall not repeal any laws or parts of laws which conflict with this Act, if the salaries paid to the District Judges of the Tenth Judicial Circuit by the State of Alabama are increased by virtue of the recommendations contained in the original Report of the Judicial Compensation Commission to the 1985 Regular Session of the legislature becoming law.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Beers, Black, Boles, Brakefield, Britnell, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Butler, Coburn, Cosby, Crow, Davis, Escott, Gray, Grayson, Grouby, Hall, Harper, Holmes, Johnson (Roy), Lindsey, McDowell, McMillan, McNair, Marietta, Mathis, Melton, Mikell, Moore, Newton, Nicholson, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Rogers, Seibels, Smith, Spratt, Tanner, Thomas, Trammell, Turnham, Warren, White (G) and White (L).

—58

SUBSTITUTE OFFERED

Rep. Payne offered the following substitute to the bill, H. 311 as amended:

A BILL TO BE ENTITLED AN ACT

To supplement the salaries of the district court judges of the Tenth Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. At the beginning of the 1985-86 fiscal year, each district court judge of the Tenth Judicial Circuit shall be entitled to an annual salary increase in an amount equal to a percent of said judge's salary. Said percent shall be the same percent that employees of Jefferson County receive as a cost of living salary increase for said fiscal year. If said county employees receive no cost of living increase, then the district court judges shall receive no increase in salary supplement for that year. Said salary supplement shall be in addition to any salary increase granted by general law and be paid out of the county general fund.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Reps. Seibels and Pratt, the substitute offered by Rep. Payne to the bill, H. 311 as amended, was tabled.

Yeas 17; Nays 1.

Yeas:

Reps. Bachus, Bryant, Davis, Escott, Gray, Hall, Harper, Holmes, McDowell, McNair, Newton, Perdue, Pratt, Rogers, Seibels, Spratt and White (G).

—17

Nay: Rep. Payne.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The clerk reported that there was a quorum present.

And the bill, H. 311, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 32; Nays 1.

Yeas:

Reps. Bachus, Beasley, Boles, Britnell, Brooks, Bryant, Buskey (John), Coburn, Davis, Escott, Gray, Grayson, Hall, Harper, Holmes, Junkins, Lauderdale, McDowell, McNair, Marietta, Newton, Nicholson, Parker, Perdue, Pratt, Preuitt, Rogers, Seibels, Spratt, Trammell, Turnham and White (G).

—32

Nay: Rep. Payne.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution, H. B. 191, was adopted.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blake, Box, Britnell, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Butler, Clark (W), Cosby, Crow, Gaston, Gray, Grayson, Grouby, Hall, Harper, Hettinger, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, McNair, Marietta, Moore, Newman, Newton, Nicholson, Parker, Penry, Perdue, Poole, Rains, Reed, Rice, Rogers, Smith, Spratt, Trammell, Turner, Turnham and White (G).

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 191. Relating to Mobile County; to provide that whenever Mobile County, or any agency of the county, is a party to any real estate transaction, the names of all the other parties and shares, if a corporate entity, must be placed in the minutes of the county commission's meetings thirty days prior to the date of the transaction.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Black, Blake, Box, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Butler, Clark (W), Coburn, Cosby, Crow, Fuller, Gaston, Gray, Grayson, Hall, Harper, Holmes, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, McNair, Marietta, Moore, Newman, Newton, Nicholson, Parker, Perdue, Poole, Preuitt, Rains, Reed, Rice, Rogers, Seibels, Smith, Spratt, Trammell, Turner, Turnham, Warren and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Gaston, Budget Isolation Resolution, H. B. 192, was adopted.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Box, Brooks, Browder, Butler, Clark (W), Coburn, Cosby, Crow, Gaston, Gray, Grayson, Hall, Harper, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McNair, Marietta, Moore, Newman, Newton, Nicholson, Parker, Perdue, Poole, Rains, Reed, Rice, Rogers, Seibels, Smith, Spratt, Turner, Turnham, Warren, White (G) and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 192. Relating to Mobile County; to require all polling places to remain open between the hours of 7:00 A.M. and 6:00 P.M. at all state and local elections held in the county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Box, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Butler, Clark (W), Coburn, Coleman, Cosby, Crow, Gaston, Gray, Grayson, Grouby, Hall, Harper, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Melton, Moore, Newman, Newton, Nicholson, Parker, Perdue, Poole, Preuitt, Rains, Reed, Rice, Rogers, Seibels, Smith, Spratt, Starr, Turner, Turnham and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Marietta, Budget Isolation Resolution, H. B. 136, was adopted.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Black, Box, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Butler, Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Gaston, Grayson, Grouby, Hall, Hammett, Harper, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McNair, Marietta, Moore, Newman,

Newton, Parker, Perdue, Poole, Rains, Reed, Rice, Rogers, Seibels, Smith, Spratt, Turner, Turnham, Venable and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 136. To provide for the filing for record and the preservation of all orders and decrees made and entered by any Judge of the Circuit Court of the 13th Judicial Circuit.

Was taken up.

AMENDMENT OFFERED

Rep. Marietta offered the following amendment to the bill, H. 136:

Amend H. B. 136 on page 1, Section 2, Line 25 by adding after the word(s) such sheets the following:

“or copies thereof”

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Black, Boles, Box, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Butler, Coburn, Coleman, Cosby, Crow, Davis, Gaston, Grayson, Grouby, Hall, Hammett, Harper, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Moore, Newman, Newton, Parker, Perdue, Poole, Preuitt, Rains, Reed, Rice, Rogers, Seibels, Smith, Spratt, Starr, Trammell, Turner, Turnham, Venable, Warren and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 136, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Black, Blakeney, Boles, Box, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Butler, Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Gaston, Grayson, Grouby, Hall, Hammett, Harper, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lindsey, McNair,

Marietta, Moore, Newman, Newton, Parker, Perdue, Poole, Preuitt, Rains, Reed, Rice, Rogers, Seibels, Smith, Spratt, Starr, Trammell, Turner, Turnham, Venable, Warren, White (G) and Zoghby.

—55

BUDGET ISOLATION RESOLUTION

On motion of Rep. Turner, Budget Isolation Resolution, H. B. 182, was adopted.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blakeney, Box, Brooks, Browder, Bryant, Buskey (John), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Gaston, Grayson, Grouby, Hall, Hammett, Harper, Holmes, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, McNair, Marietta, Moore, Newman, Newton, Nicholson, Parker, Perdue, Preuitt, Rains, Reed, Rice, Rogers, Seibels, Trammell, Turner, Turnham, Venable, Warren and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 182. Relating to Mobile County; to provide further for the disposition and use of the funds received by Mobile County under the provisions of Title 40, Chapter 20, Article 1, Code of Alabama 1975, as amended, providing for the levy of a privilege tax on the production of oil and gas; and to specifically repeal Act No. 870, H. 1517, Regular Session 1975 (Acts 1975, p. 1714), providing further for the disposition and use of a certain portion of the funds received by Mobile County from an oil and gas severance tax, and all other laws or parts of laws in conflict herewith.

Was taken up.

AMENDMENT OFFERED

Rep. Buskey (James) offered the following amendment to the bill, H. 182.

Amend H. B. 182 on page 2, Section 1(D), line 14 after the word "clubs," by striking the word and

Further amend on line 16 after the word "organization;" by striking the ; and inserting the following:

, and the Southwest Alabama Sickle Cell Anemia Association, Inc.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 45; Nays 0.

Yeas:

Reps. Beasley, Black, Blakeney, Box, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Gaston,

Gray, Grayson, Grouby, Hall, Hammett, Harper, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, McNair, Marietta, Newman, Newton, Nicholson, Parker, Perdue, Preuitt, Reed, Rice, Rogers, Spratt, Turner, Turnham, Venable, Warren, White (G) and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Kennedy offered the following amendment to the bill, H. 182 as amended:

Amend H. B. 182 on page 2, Section 1(D), line 14 after the word "clubs," by striking the word and

Further amend on line 16 after the word "organization;" by striking the ; and inserting the following:

, and the Mobile County Urban League

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 44; Nays 0.

Yeas:

Reps. Albright, Black, Boles, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Clark (W), Coleman, Cosby, Crow, Davis, Faulk, Gaston, Grayson, Grouby, Hall, Hammett, Harper, Junkins, Kennedy, Kvalheim, Lauderdale, McNair, Marietta, Newman, Newton, Nicholson, Parker, Perdue, Poole Preuitt, Reed, Rice, Rogers, Spratt, Trammell, Turner, Turnham, Venable, Warren, White (F) and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. turner offered the following amendment to the bill, H. 182 as amended:

Amend H. B. 182, page 2, Section 1 (c), line 4, after the words "shall by" by striking ~~placed in a special account~~

Further amend on page, 2 Section 1 (c), line 5, after the words "purpose of" by striking ~~replacing temporary classrooms~~ and inserting in lieu thereof the following language: capital outlay projects

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Boles, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Clark (J), Clark (W), Coburn, Coleman, Cosby, Davis, Faulk, Gaston, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Moore, Newman, Newton, Parker, Perdue, Poole, Rice, Spratt, Turner, Venable, Warren, White (F), White (G) and Zoghby.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 182, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Blake, Box, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Clark (W), Coleman, Cosby, Crow, Davis, Escott, Faulk, Gaston, Gray, Grayson, Hall, Harper, Hettinger, Holmes, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Moore, Newton, Parker, Perdue, Poole, Reed, Rogers, Seibels, Smith, Spratt, Trammell, Turner, White (F) and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Zoghby, Budget Isolation Resolution, H. B. 437, was adopted.

Yeas 51; Nays 0.

Yeas:

Reps. Albright, Beasley, Black, Blakeney, Box, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Clark (D), Clark (J), Clark (W), Coleman, Crow, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Hettinger, Holmes, Hooper, Junkins, Kennedy, Lauderdale, McNair, Marietta, Martin, Mikell,

Moore, Newman, Newton, Parker, Poole, Reed, Rice, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Trammell, Turner, Venable, Warren, White (F) and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 437. To further amend Section 1 of Act No. 82-374, H. 727, 1982 Regular Session of the Legislature (Acts 1982, p. 549), as amended by Act No. 84-828, H. 66, First Special Session 1984, which act relates to the Mobile County board of registrars, so as to provide further for the meeting dates of such board for voter registration and voter reidentification purposes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Albright, Black, Blakeney, Box, Brooks, Browder, Buskey (James), Clark (D), Clark (J), Clark (W), Coleman, Crow, Faulk, Gaston, Goodwin, Grayson, Hall, Harper, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Moore, Newman, Newton, Parker, Poole, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Turner, Warren, White (F) and Zoghby.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Zoghby, Budget Isolation Resolution, H. B. 439, was adopted.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Albright, Black, Blake, Blakeney, Box, Brooks, Browder, Buskey (James), Clark (D), Clark (W), Coleman, Crow, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Martin, Moore, Newman, Newton, Parker, Perdue, Poole, Rains, Reed, Rice, Rogers, Smith, Spratt, Starkey, Turner, Venable, Warren, White (F), White (G) and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 439. To amend section 2 of Act No. 181, H. 117, Regular Session 1957, (Acts 1957, p. 233), relating to Mobile County governing body, so as to require that each candidate for county commissioner must have resided within the district for which he qualifies a certain minimum period, and each county commissioner must reside within the respective district he represents during the term of office or forfeit the job.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Albright, Black, Blakeney, Box, Brooks, Browder, Buskey (James), Clark (D), Clark (W), Coleman, Crow, Gaston, Goodwin, Grayson, Grouby, Hall, Harper, Hettinger, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Lauderdale, Marietta, Newman, Newton, Parker, Perdue, Poole, Reed, Rice, Richardson, Smith, Spratt, Starkey, Turner, Warren, White (F) and Zoghby.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Zoghby, Budget Isolation Resolution, H. B. 440, was adopted.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Albright, Beers, Black, Blakeney, Box, Brooks, Browder, Bryant, Buskey (James), Clark (D), Clark (W), Coleman, Crow, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Moore, Newman, Newton, Parker, Poole, Rains, Reed, Rice, Richardson, Smith, Spratt, Starkey, Turner, Venable, Warren, White (G) and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 440. Relating to Mobile County; authorizing the county commission to extend, by resolution, the meeting days of the board of registrars during certain months as merited by certain circumstances and providing that this act shall be retroactive to May 1, 1982.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Albright, Beers, Blake, Blakeney, Box, Brooks, Browder, Buskey (James), Buskey (John), Clark (D), Clark (W), Coburn, Coleman, Crow, Dutton, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Moore, Newman, Newton, Parker, Perdue, Poole, Rains, Richardson, Smith, Spratt, Starkey, Turner, Venable, Warren, White (F), White (G) and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Zoghby, Budget Isolation Resolution, H. B. 442, was adopted.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Albright, Bachus, Beers, Black, Blakeney, Bowling, Box, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Clark (D), Coburn, Coleman, Crow, Dutton, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Moore, Newman, Newton, Parker, Perdue, Poole, Rains, Reed, Rice, Smith, Spratt, Turner, Venable, Warren, White (F), White (G) and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 442. Relating to Mobile County; providing for additional volunteer deputy registrars; providing for their appointments upon the recommendation of the representatives and senators from Mobile County; providing that such volunteer deputy registrars shall serve without pay; and setting the terms concurrently with the legislator making the recommendation for said volunteer.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Black, Blakeney, Bowling, Box, Brooks, Browder, Bryant, Buskey (James), Carothers, Clark (D), Clark (W), Coburn, Coleman, Crow, Dutton, Faulk, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Harper, Hettinger, Holmes, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Moore, Newman, Newton, Parker, Perdue, Poole, Rains, Reed, Rice, Richardson, Smith, Spratt, Starkey, Thomas, Turner, Warren, White (F), White (G) and Zoghby.

—53

BUDGET ISOLATION RESOLUTION

On motion of Rep. Coburn, Budget Isolation Resolution, H. B. 99, was adopted.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Albright, Blake, Blakeney, Bowling, Box, Brooks, Browder, Bryant, Buskey (John), Clark (D), Coleman, Crow, Dutton, Faulk, Gaston, Goodwin, Grayson, Hall, Harper, Hettinger, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Moore, Newman, Newton, Parker, Perdue, Poole, Rains, Reed, Rogers, Seibels, Smith, Starkey, Thomas, Turner, Warren, White (F) and White (G).

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 99. Relating to Colbert County; to provide that any wholesaler licensee for a beer or table wine may locate, maintain and operate the licensee's place of business anywhere whether wet or dry, within Colbert County, if the place of business when originally located was in an area that at the time was wet.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Beers, Black, Blakeney, Boles, Bowling, Box, Brooks, Browder, Bryant, Buskey (James), Clark (D), Clark (W), Coburn, Coleman, Crow, Dutton, Escott, Faulk, Gaston, Goodwin, Gray, Grayson, Hall, Hammett, Harper, Hettinger, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Moore, Newman, Newton, Parker, Perdue,

Poole, Pratt, Rains, Reed, Rogers, Seibels, Smith, Spratt, Starkey, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G) and Zoghby.

—57

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hooper, Budget Isolation Resolution, H. B. 309, was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Albright, Bachus, Beasley, Beers, Black, Blakeney, Bowling, Box, Brooks, Browder, Bryant, Buskey (John), Clark (D), Coburn, Coleman, Crow, Davis, Dutton, Faulk, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Mikell, Moore, Newman, Newton, Nicholson, Parker, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Venable, Warren, White (F) and Zoghby.

—57

And the bill:

H. 309. (With Amendment): Relating to Montgomery County Commissioners; providing an expense allowance which shall be supplemental to any and all other compensation or mileage and payable from county funds.

Was taken up.

SUBSTITUTE OFFERED

Rep. Holmes offered the following substitute to the bill, H. 309.

A BILL TO BE ENTITLED AN ACT

Relating to Montgomery County Commissioners; providing an expense allowance which shall be supplemental to any and all other compensation or mileage and payable from county funds; and to provide that this act shall be null and void under certain circumstances.

Be It Enacted by the Legislature of Alabama:

Section 1. Each commissioner of the Montgomery County Commission shall be entitled to receive an expense allowance in the total sum of \$5,000.00 per annum. Such expense allowance shall be payable from the general funds of the county from which commissioners are paid and shall be paid in twelve monthly equal installments. It is further provided, however, that in order to receive the allowance herein provided, each commissioner must make a written request each month to the county administrator, and must sign each month with the said administrator when he or she receives the expense allowance payment.

Provided, however, the provisions of this act shall be null and void if any general law is enacted after 1985 Regular Session of the Alabama Legislature which provides for additional compensation for members of the various county commissions, including the Montgomery County Commission.

Section 2. The expense allowance provided by Section 1 of this act shall be in addition to any and all other compensation and mileage provided by law.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Albright, Blakeney, Bowling, Box, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Clark (D), Clark (W), Coburn, Crow, Davis, Dutton, Ford, Gaston, Goodwin, Gray, Grayson, Hall, Hammett, Harper, Hettinger, Holmes, Hooper, Junkins, Kvalheim, Lauderdale, McKee, Marietta, Melton, Mikell, Moore, Onderdonk, Parker, Perdue, Poole, Rains, Reed, Rogers, Seibels, Smith and Venable.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 309. Relating to Montgomery County Commissioners; providing an expense allowance which shall be supplemental to any and all other compensation or mileage and payable from county funds; and to provide that this act shall be null and void under certain circumstances.

As thus amended, was read a third time at length, passed and ordered engrossed.

Yeas 49; Nays 1.

Yeas:

Mr. Speaker, Albright, Box, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Clark (D), Clark (W), Crow, Davis, Faulk, Ford, Gaston, Goodwin, Gray, Grayson, Hall, Hammett, Harper, Hettinger, Holmes, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Melton, Moore, Newman, Newton, Parker, Perdue, Poole, Pratt, Rains, Reed, Rogers, Seibels, Smith, Spratt, Starkey, Turner, Venable, Warren, White (F) and Zoghby.

—49

Nay: Rep. McKee.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hooper, Budget Isolation Resolution, H. B. 421, was adopted.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Albright, Bowling, Box, Brooks, Browder, Bryant, Buskey (John), Clark (D), Coburn, Crow, Davis, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Harper, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Melton, Mikell, Moore, Newman, Newton, Parker, Perdue, Poole, Pratt, Rains, Reed, Rogers, Smith, Spratt, Starkey, Turner, Venable, Warren, White (F) and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 421. Relating to Montgomery County; to amend Act No. 353 of the Legislature of Alabama Regular Session 1875 to provide that notice of all special sessions of the Montgomery County Commission must be given to a newspaper published in the City of Montgomery.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 1.

Yeas:

Mr. Speaker, Albright, Bachus, Blakeney, Bowling, Box, Brooks, Browder, Bryant, Buskey (John), Carter, Clark (D), Coburn, Coleman, Crow, Dutton, Faulk, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Rains, Reed, Rogers, Seibels, Smith, Spratt, Starkey, Turner, Venable, Warren, White (F) and Zoghby.

—53

Nay: Rep. McKee.

—1

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. B. 178. Relating to Mobile County; to authorize and empower the county commission to promulgate and implement rules and regulations to prevent erosion and commercial development in or adjacent to approved

residential subdivision developments in the county and to provide for civic remedy for enforcement of such rules and regulations.

JIMMY CLARK,
Chairman.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Rogers, the rules were suspended in order to bring up Budget Isolation Resolution, relating to H. B. 233.

Yeas 15; Nays 3.

Yeas:

Reps. Bachus, Biddle, Boles, Davis, Escott, Gray, McDowell, McNair, Newton, Perdue, Pratt, Rogers, Seibels, Spratt and Trammell.

—15

Nays: Reps. Beers, Payne and White (G).

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Rogers, Budget Isolation Resolution, H. B. 233, was adopted.

Yeas 16; Nays 0.

Yeas:

Reps. Bachus, Biddle, Boles, Davis, Escott, Gray, McDowell, McNair, Melton, Newton, Perdue, Pratt, Rogers, Seibels, Spratt and Trammell.

—16

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 233. To alter and rearrange the boundaries of the City of Fultondale, Alabama, to include within the corporate limits of such city certain described territory, and only the territory within the rearranged boundary described.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 17; Nays 1.

Yeas:

Reps. Bachus, Biddle, Boles, Davis, Escott, Gray, Holmes, McDowell, McNair, Melton, Newton, Perdue, Pratt, Rogers, Seibels, Spratt and Trammell.

—17

Nay: Rep. Payne.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Rogers, the rules were suspended in order to bring up Budget Isolation Resolution, relating to H. B. 235.

Yeas 14; Nays 3.

Yeas:

Reps. Bachus, Biddle, Boles, Davis, Escott, McDowell, McNair, Newton, Perdue, Pratt, Rogers, Seibels, Spratt and Trammell.

—14

Nays: Reps. Beers, Payne and White (G).

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Rogers, Budget Isolation Resolution, H. B. 235, was adopted.

Yeas 13; Nays 2.

Yeas:

Reps. Biddle, Boles, Davis, Escott, Gray, McNair, Newton, Perdue, Pratt, Rogers, Seibels, Spratt and Trammell.

—13

Nays: Reps. Payne and White (G).

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 235. To alter and rearrange the boundaries of the City of Birmingham to include within the corporate limits thereof, all territory now within such corporate limits thereof and also certain additional territory described by metes and bounds.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 2, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To alter and rearrange the boundaries of the City of Birmingham to include within the corporate limits thereof, all territory now within such corporate limits thereof and also certain additional territory described by metes and bounds.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the City of Birmingham are hereby altered, rearranged and extended so as to include within the corporate limits of said city, in addition to all territory now included within said corporates, all of the following territory, except for those certain tracts hereinafter excepted therefrom: Commence at the Northeast corner of the Northwest quarter of the Northeast quarter of Section 4, Township 16 South, Range 2 West, which is the point of beginning; thence run West along the North line of said quarter-quarter section to the Northwest corner of the Northeast quarter of said section; thence run South along the West line of said quarter section to the Northwest corner of the Northwest quarter of the Southeast quarter of said section; thence run South along the West line of said quarter-quarter section to the Southwest corner of said quarter-quarter section; thence run East along the South line of said quarter-quarter section to the Northwest corner of the Southeast quarter of the Southeast quarter of said section; thence run South along the West line of said quarter-quarter section to the Northwest corner of the East half of the Northeast quarter of Section 9, Township 16 South, Range 2 West; thence run South along the West line of the East one-half of said quarter section to the Northeast corner of the East one-half of the West one-half of the Southeast quarter of said section; thence run West to the Northwest corner of the East one-half of the West one-half of the Southeast quarter; thence run South to the Northeast corner of the Northwest quarter of the Northwest quarter of the Northeast quarter of Section 16, Township 16 South, Range 2 West; thence run West along the North line of said section to the Northwest corner of said section; thence run South along the West line of said section to the Northeast corner of the Southeast quarter of Section 17, Township 16 South, Range 2 West; thence run West along the North line of said quarter section to the Northwest corner of the Northwest quarter of the Southeast quarter of said section; thence run South along the West line of said quarter-quarter section to the Northeast corner of the Southeast quarter of the Southwest quarter of said section; thence run West along the North line of said quarter-quarter section to the Northwest corner of said quarter-quarter section; thence run South along the West line of said quarter-quarter section to the Southwest corner of said quarter-quarter section; thence run East along the South line of said quarter-quarter section to a point on the Northerly Right-of-Way line of North Carson Road; thence run Northeasterly along said Right-of-Way line to a point on the West line of the Southeast quarter of the Southeast quarter of the Northeast quarter of Section 16, Township 16 South, Range 2 West; thence run South along the West line of said quarter-quarter-quarter section to the Southwest corner of said quarter-quarter-quarter section; thence run East to the Southeast corner of the Northeast quarter of said section; thence run North along the East line of said quarter section to the Southeast corner

of the Southeast quarter of the Southeast quarter of Section 9, Township 16 South, Range 2 West; thence run North along the East line of said quarter-quarter section to the Northeast corner of said quarter-quarter section; thence run West along the North line of said quarter-quarter section to the Northwest corner of said quarter-quarter section; thence run in a Northeasterly direction to the Southeast corner of the Northeast quarter of the Northeast quarter of Section 9, Township 16 South, Range 2 West; thence run North along the East line of said quarter-quarter section to the Southwest corner of the Southwest quarter of the Southwest quarter of Section 3, Township 16 South, Range 2 West; thence run in a Northeasterly direction to the Southeast corner of the Northwest quarter of the Southwest quarter of said section; thence run North along the East line of said quarter-quarter section to the Northeast corner of said quarter-quarter section; thence run in a Southwesterly direction to the Southeast corner of the Northeast quarter of the Southeast quarter of Section 4, Township 16 South, Range 2 West; thence run North along the East line of said quarter-quarter section to the Northeast corner of said quarter-quarter section; thence run West along the North line of said quarter-quarter section to the Southeast corner of the West one-half of the Northeast quarter of said section; thence run North along the East line of the West one-half of said quarter section to the point of beginning.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 14; Nays 1.

Yeas:

Reps. Bachus, Beers, Biddle, Boles, Davis, Gray, Holmes, McDowell, Newton, Payne, Seibels, Spratt, Trammell and White (G).

—14

Nay: Rep. McNair.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Biddle offered the following amendment to the bill, H. 235 as amended:

Amend H. B. 235 by inserting a new Section 2 as follows and renumbering the present Section 2 as Section 3, viz:

Section 2. If, at the expiration of four years from the effective date of this act, a theme park or horse racing track has not been constructed, or the construction thereof has not commenced, then the property described in this act shall revert to and again become a part of the municipality of Fultondale.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 9; Nays 8.

Yeas:

Reps. Beers, Biddle, Boles, Gray, Payne, Pratt, Seibels, Trammell and White (G).

—9

Nays:

Reps. Bachus, Davis, McDowell, McNair, Newton, Perdue, Rogers and Spratt.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 235, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 13; Nays 2.

Yeas:

Reps. Biddle, Boles, Davis, Gray, McDowell, McNair, Newton, Perdue, Pratt, Rogers, Seibels, Spratt and Trammell.

—13

Nays: Reps. Payne and White (G).

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Rogers to suspend the rules in order to bring up Budget Isolation Resolution, relating to H. B. 234, was lost, lacking a four-fifths vote.

Yeas:

Reps. Boles, Davis, Escott, McDowell, McNair, Newton, Perdue, Rogers, Seibels, Spratt and Trammell.

—11

Nays:

Reps. Bachus, Beers, Biddle, Payne, Pratt, Tanner and White (G).

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

SPECIAL ORDER RESUMED
BUDGET ISOLATION RESOLUTION

On motion of Rep. Smith, Budget Isolation Resolution, H. B. 6, was adopted.

Yeas 82; Nays 2.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Black, Blake, Blakeney, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Newton, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—82

Nays: Reps. Buskey (James) and Nicholson.

—2

And the bill:

H. 6. To raise the legal age for a person to attempt to purchase, to purchase, consume, possess or to transport alcoholic beverages, to provide criminal penalties, and to provide that juvenile offenders shall be incarcerated, if so sentenced, in juvenile detention facilities, and to exempt persons 19 years of age or older on the effective date of this act and certain persons authorized to make purchases from certain military liquor or package stores, pursuant to Section 28-1-3, Code of Alabama 1975.

Was taken up.

SUBSTITUTE OFFERED

Rep. Smith offered the following substitute to the bill, H. 6:

A BILL
TO BE ENTITLED
AN ACT

To raise the legal age for a person to attempt to purchase, to purchase, consume, possess or to transport alcoholic beverages, to exempt persons 20 years of age or older on the effective date of this act and to provide criminal penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Notwithstanding the provisions of Section 26-1-1, Code of Alabama 1975, it shall be unlawful for a person less than 21 years of age to attempt to purchase, to purchase, consume, possess or to transport any alcohol, liquor or malt or brewed beverage within the State of Alabama. It shall be lawful for a minor employee, who is 19 years of age or older, of an alcoholic beverage control board on-premises licensee to handle, transport or sell any malt or brewed beverage if such minor is acting within the line and scope of his employment. It shall also be lawful for a minor employee

of an alcoholic beverage control off-premises licensee to handle, transport or sell any malt or brewed beverage if such minor is acting within the line and scope of his employment.

Whoever violates this section shall be fined not less than \$25.00 nor more than \$100.00 or imprisoned in the county jail for not more than 30 days or both; provided further, that juvenile offenders shall not be held in the county jail, but shall be held, either before or after sentencing, in a juvenile detention facility pursuant to the guidelines of the Department of Youth Services, separate and apart from adult offenders.

Persons 20 years of age or older on the effective date of this act are hereby expressly exempt from the provisions of this act. After September 30, 1986, no person under the age of 21 shall be exempt from the provisions of this act.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective September 30, 1985, following its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 85; Nays 4.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Jenkins, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Newton, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—85

Nays: Reps. Buskey (James), Dutton, Melton and Nicholson.

—4

AMENDMENT OFFERED

Rep. Holmes offered the following amendment to the bill, H. 6 as amended:

Amend H. B. 6 on page 1, Section 1, lines 27 by striking the word 21 and inserting in lieu thereof, the following: 50

AMENDMENT TABLED

On motion of Rep. Smith, the amendment offered by Rep. Holmes to the bill, H. 6 as amended, was tabled.

Yeas 66; Nays 12.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Biddle, Blake, Blakeney, Brakefield, Britnell, Brooks, Browder, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Crow, Faulk, Ford, Fuller, Gaston, Goodwin, Grouby, Hall, Hammett, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McKee, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Payne, Poole, Pratt, Rains, Rice, Richardson, Sasser, Smith, Starkey, Starr, Tanner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—66

Nays:

Reps. Bryant, Buskey (James), Buskey (John), Clark (W), Dutton, Grayson, Harper, Holmes, Kennedy, McDowell, Newton and Reed.

—12

And the bill:

H. 6. To raise the legal age for a person to attempt to purchase, to purchase, consume, possess or to transport alcoholic beverages, to exempt persons 20 years of age or older on the effective date of this act and to provide criminal penalties.

As thus amended, was read a third time at length, passed and ordered engrossed.

Yeas 97; Nays 6.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Newton, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—97

Nays:

Reps. Buskey (James), Buskey (John), Dutton, Holmes, Melton and Nicholson.

—6

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 6:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Blake, Blakeney, Boles, Brakefield, Britnell, Brooks, Browder, Burke, Butler, Carothers, Carter, Clark (D), Coleman, Crow, Davis, Faulk, Flowers, Ford, Fuller, Gaston,

Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Hettinger, Holley, Johnson (RG), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, McKee, McMillan, McNair, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Sasser, Seibels, Smith, Starkey, Starr, Trammell, Venable, Warren, White (G), White (L) and Zoghby.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. B. 309. Relating to Montgomery County Commissioners; providing an expense allowance which shall be supplemental to any and all other compensation or mileage and payable from county funds; and to provide that this act shall be null and void under certain circumstances.

JIMMY CLARK,
Chairman.

And the bill, H. 309 as engrossed, was sent to the Senate.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Martin, the rules were suspended in order to bring up Budget Isolation Resolution, relating to H. B. 72.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Martin, Budget Isolation Resolution, H. B. 72, was adopted.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Escott, Faulk, Gaston, Goodwin, Gray, Grayson, Hall, Hammett, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—81

And the bill:

H. 72. Proposing an amendment to Amendment No. 443 to the Constitution of 1901, relating to certain conveyances of Alabama State Docks property to certain local port authorities in the Cordova-Walker County area, the Florence-Lauderdale County area and the Decatur-Morgan County area.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, Marietta, Martin, Mathis, Melton, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—94

CO-SPONSORS ADDED

Reps. Parker and Thomas were added as co-sponsors to the bill, H. 72.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 53. INVITING MR. JOHN WALSH TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Hilliard (With Notice and Proof):

S. 39. To alter and rearrange the boundaries of the City of Fultondale, Alabama, to include within the corporate limits of such city certain described territory, and only the territory within the rearranged boundary described.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 39, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Bennett (With Notice and Proof):

S. 43. Relating to Jefferson County; providing for an expense allowance for the County Treasurer payable from the County General Fund and for an expiration date.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 43, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Horn (With Notice and Proof):

S. 47. To amend Article VII of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124), relating to the Board of Managers of the City of Birmingham Retirement and Relief System so as to provide that participant's loans shall be repaid in a period of forty-eight (48) months or less from the date of such loan and to provide that interest be charged on such loans in such amount as may be determined in the discretion of the Board, but not less than seven percent (7%) per annum.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 47, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Horn (With Notice and Proof):

S. 48. To authorize the Board of Managers of the City of Birmingham Retirement and Relief System to consider the application of Jessie James White for a pension based upon extraordinary disability and to award such pension if, in the judgment of the board of managers, such pension is required; and to provide for the conditions and limitations applying to such pension.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 48, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Horn (With Notice and Proof):

S. 49. Relating to Jefferson County; to amend Article III, Section 9 of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124), as amended by Act No. 791, H. 801, 1975 Regular Session (Acts 1975, p. 1585), relating to investment of the fund established for a retirement and relief system for each and every city of the state of Alabama having a population of two hundred fifty thousand or more inhabitants according to the last or any succeeding federal census as established originally by Act No. 929, S. 676, 1951 Regular Session (Acts 1951, p. 1579), as amended, said Article III,

Section 9 to be amended in full to provide that the Board of Managers of any such fund shall also have authority to approve investments of the fund after their making by the designee of the Board, to provide that investments of the fund in bonds and stocks of private corporations shall not exceed seventy-five percent of the funds available for investment, and, to provide that investments in stocks of private corporations shall not exceed fifty percent of the funds available for investment.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 49, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Horn (With Notice and Proof):

S. 117. To authorize the Board of Managers of the City of Birmingham Retirement and Relief System to consider the application of Catherine E. Robertson for a pension based upon extraordinary disability and to award such pension if, in the judgment of the board of managers, such pension is required; and to provide for the conditions and limitations applying to such pension.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 117, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 39. Local Legislation No. 2.
- S. 43. Local Legislation No. 2.
- S. 47. Local Legislation No. 2.
- S. 48. Local Legislation No. 2.
- S. 49. Local Legislation No. 2.
- S. 117. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Hand (With Notice and Proof):

S. 153. Relating to Baldwin County; to alter, rearrange and extend the boundary lines and corporate limits of the municipality of Gulf Shores in Baldwin County.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 153, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Hand (With Notice and Proof):

S. 177. Relating to Baldwin County; to alter, rearrange and extend the boundary lines and corporate limits of the municipality of Gulf Shores, in Baldwin County; to provide for a referendum election of the qualified electors who reside within the territory proposed to be brought within the municipal limits of Gulf Shores.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 177, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Barron (With Notice and Proof):

S. 263. Relating to DeKalb County; providing that it shall be unlawful for anyone to willfully throw or cast headlights or any rays of artificial light from any motor vehicle in any field, woodland or forest in an attempt to locate deer or any other wildlife with the exception of farmers who may do so while checking livestock on owned, leased or rented land; and providing for penalties.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 263, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Barron (With Notice and Proof):

S. 264. Relating to Jackson County; providing that it shall be unlawful for anyone to willfully throw or cast headlights or any rays of artificial light from any motor vehicle in any field, woodland or forest in an attempt to locate deer or any other wildlife with the exception of farmers who may do so while checking livestock on owned, leased or rented land; and providing for penalties.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 264, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Figures (With Notice and Proof):

S. 265. Relating to the City of Prichard in Mobile County, Alabama; prescribing procedure for filling a vacancy in the office of mayor in such city.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 265, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Bedsole (With Notice and Proof):

S. 267. Relating to Mobile County, to amend further Section 5 of Act No. 242, S. B. 79, 1876 of the general assembly approved February 15, 1876, which regulates public schools in the county, as last amended by Act No. 480, S. 485, 1969 Regular Session (Acts 1969, p. 937), which relates to the county board of education.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 267, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Figures (With Notice and Proof):

S. 270. Relating to Mobile County; providing for additional volunteer deputy registrars; providing for their appointments upon the recommendation of the representatives and senators from Mobile County; providing that such volunteer deputy registrars shall serve without pay; and setting the terms concurrently with the legislator making the recommendation for said volunteer.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 270, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 153. Local Legislation No. 1.
- S. 177. Local Legislation No. 1.
- S. 263. Local Legislation No. 1.
- S. 264. Local Legislation No. 1.
- S. 265. Local Legislation No. 3.
- S. 267. Local Legislation No. 3.
- S. 270. Local Legislation No. 3.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. B. 6. To raise the legal age for a person to attempt to purchase, to purchase, consume, possess or to transport alcoholic beverages, to exempt persons 20 years of age or older on the effective date of this act and to provide criminal penalties.

JIMMY CLARK,
Chairman.

And the bill, H. 6 as engrossed, was sent to the Senate.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:35 A.M. on February 21, 1985.

H. J. R. 38

H. J. R. 41

H. J. R. 66

Delivered to the Governor at 2:00 P.M. on February 21, 1985.

H. J. R. 53

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Johnson (Roy), the House adjourned until 4:00 o'clock p.m., Tuesday, February 26, 1985.

SEVENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, February 26, 1985

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend John W. Moon, Alabama Baptist State Convention.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—104

A quorum was present.

MOTION TO SUSPEND RULES AND ADOPT REPORT OF STANDING
COMMITTEE ON RULES LOST

The motion offered by Rep. Clark (J) to suspend the rules in order to dispense with the reading at length of the Journal of the House of Representatives for the sixth legislative day and to adopt the report of the Standing Committee on Rules, was lost, lacking a four-fifths vote.

Yeas 54; Nays 20.

Yeas:

Mr. Speaker, Adams, Albright, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Buskey (James), Buskey (John), Campbell, Clark (J), Clark (W), Coleman, Cosby, Davis, Escott, Flowers, Fuller, Gaston, Grouby, Hall, Hammett, Holley, Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, McKee, McNair, Marietta, Mitchell, Newton, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Richardson, Rogers, Sasser, Smith, Spratt, Starr, Turner, Venable and Zoghby.

—54

Nays:

Reps. Beasley, Boles, Brooks, Butler, Clark (D), Coburn, Goodwin, Gray, Harper, Johnson (RG), McMillan, Martin, Mathis, Payne, Penry, Reed, Seibels, Warren, White (F) and White (L).

—20

READING OF JOURNAL

The Speaker directed the Clerk to read the Journal of the House for the sixth legislative day, and the reading commenced.

The reading at length of the Journal of the House of Representatives for the sixth legislative day having been completed, and on motion of Rep. Johnson (Roy), the Journal was approved as read, and the report of the Standing Committee on Rules was adopted.

LEAVE OF ABSENCE

At the request of Rep. Starr, leave of absence was granted for Rep. Mikell.

REPORT FILED

Pursuant to Act 81-61, H. B. 69, of the Legislature of Alabama, Rep. Beth Marietta, Chairman, submitted the Report of the Sunset Review Committee, and the report was ordered filed.

ADJOURNMENT

On motion of Rep. Johnson (Roy), the House adjourned until 9:00 o'clock a.m., Thursday, February 28, 1985.

EIGHTH DAY

House of Representatives
Montgomery, Alabama
Thursday, February 28, 1985

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rep. Frank White.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the seventh legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark (J), the reading at length of the Journal of the House for the seventh legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the seventh legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Starr, leave of absence was granted for Rep. Mikell.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar adopted on the sixth legislative day.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Johnson (Roy), Budget Isolation Resolution, H. B. 114, was adopted.

Yeas 62; Nays 14.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Biddle, Black, Blake, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Fuller, Hammett, Holley, Hooper, Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, McDowell, McKee, Marietta, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Parker, Perdue, Poole, Pratt, Preuitt, Rains, Richardson, Rogers, Sasser, Smith, Starr, Tanner, Thomas, Trammell, Venable, White (G) and Zoghby.

—62

Nays:

Reps. Brooks, Butler, Carothers, Carter, Clark (D), Goodwin, Johnson (RG), McMillan, Martin, Penry, Reed, Rice, Warren and White (F).

—14

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 339. To authorize and make provision for the incorporation in the City of Auburn of The Auburn Downtown Redevelopment Authority for the

purpose of promoting trade and commerce by including commercial enterprises to upgrade, improve, modernize, and expand existing facilities and to locate new facilities in the central business district of Auburn; to define the area of such central business district; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of such Authority, its board of directors, and its officers; to authorize such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith whether or not now existing, suitable for use by any commercial enterprise provided that such property shall be located wholly within the Downtown Development Area herein defined; to authorize any such Authority to lease such property to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest bearing revenue bonds and other interest bearing securities payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to authorize the Authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state or local governments or allow them to use facilities or services of the Authority; to make loans to persons or entities for the costs of a project on such security and with such terms and conditions as the Authority deems appropriate; to provide for the employment by any such Authority of such officers, employees, contractors, consultants and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to require payments in lieu of taxes to be made by the Authority or the City; to receive the proceeds of municipal taxes levied for the Authority's purposes; to promote revitalization of the Downtown Development Area and make plans and proposals therefor; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments of various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state except for state ad valorem taxes; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of

the activities in which an Authority may engage, except for state sales and use taxes, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; and to authorize political subdivisions, agencies, instrumentalities and public corporations of the state to aid the Authority with loans or grants of money, the furnishing of services or the transfer of property to the Authority without any public election; and to require the treasurer to obtain a fidelity bond equal to the amount of any public funds held by the Authority.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

And the bill:

H. 114. To establish service territories for electric suppliers within the State; to provide the means of eliminating or reducing the potential for duplication of electric distribution facilities used for furnishing retail electric service; to mandate and implement the determination of which electric supplier shall furnish retail electric service to electric customers within various areas of the State including areas within municipal limits of municipalities as such municipal limits existed on April 26, 1984 and outside municipal limits based on the location of electric distribution facilities as of January 1, 1984; to provide that the primary electric supplier within each municipality in the State shall have the right, at its option, to purchase all distribution facilities of any secondary electric supplier used to supply retail electric service within the municipal limits as such municipal limits existed on April 26, 1984 and have the right to serve all premises within the municipal limits as such municipal limits existed on April 26, 1984, subject to certain conditions; to define the right and obligation of municipalities and municipally-owned electric suppliers to provide electric service in areas outside the municipal limits as such municipal limits existed on April 26, 1984 based on the location of electric distribution facilities as of January 1, 1984; to provide electric suppliers designated to serve particular areas outside municipal limits of any municipality, an option to purchase facilities of other suppliers constructed in such area after January 1, 1984; to provide for resolution of disputes between electric suppliers regarding sale or purchase of electric facilities; to provide for the applicability of certain provisions of Title 37, Code of Alabama (1975); to provide special rules for elimination of duplication of facilities in the case of certain agreements between electric suppliers; to prohibit the providing of electric service in violation of this Act; to provide for judicial review and validation of the provisions of this Act by the courts and set out procedures governing such proceedings and appeals therefrom; to provide that certain provisions of the Act are not severable and that if any such provision is declared invalid under state law, the remaining provisions also shall be invalid, and to further provide that if the Act is declared invalid, any actions taken by any party in conformity

with the provisions of the Act shall be lawful but that any electric service rendered pursuant to the provisions of the Act shall be terminated; and to repeal all laws or parts of laws in conflict herewith or if Act No. 84-206, adopted in the Regular Session of 1984, is upheld, to amend Act No. 84-206 so as to provide for and approve additional agreements between electric suppliers to eliminate duplication of facilities.

Was taken up.

SUBSTITUTE OFFERED

Rep. Campbell offered the following substitute to the bill, H. 114:

A BILL
TO BE ENTITLED
AN ACT

To establish service territories for electric suppliers within the State; to provide the means of eliminating or reducing the potential for duplication of electric distribution facilities used for furnishing retail electric service; to mandate and implement the determination of which electric supplier shall furnish retail electric service to electric customers within various areas of the State including areas within municipal limits of municipalities as such municipal limits existed on April 26, 1984 and outside municipal limits based on the location of electric distribution facilities as of January 1, 1984; to provide that the primary electric supplier within each municipality in the State shall have the right, at its option, to purchase all distribution facilities of any secondary electric supplier used to supply retail electric service within the municipal limits as such municipal limits existed on April 26, 1984 and have the right to serve all premises within the municipal limits as such municipal limits existed on April 26, 1984, subject to certain conditions; to define the right and obligation of municipalities and municipally-owned electric suppliers to provide electric service in areas outside the municipal limits as such municipal limits existed on April 26, 1984 based on the location of electric distribution facilities as of January 1, 1984; to provide electric suppliers designated to serve particular areas outside municipal limits of any municipality, an option to purchase facilities of other suppliers constructed in such area after January 1, 1984; to provide for resolution of disputes between electric suppliers regarding sale or purchase or electric facilities; to provide for the applicability of certain provisions of Title 37, Code of Alabama (1975); to provide special rules for elimination of duplication of facilities in the case of certain agreements between electric suppliers; to prohibit the providing of electric service in violation of this Act; to provide for judicial review and validation of the provisions of this Act by the courts and set out procedures governing such proceedings and appeals therefrom; to provide that certain provisions of the Act are not severable and that if any such provision is declared invalid under state law, the remaining provisions also shall be invalid, and to further provide that if the Act is declared invalid, any actions taken by any party in conformity with the provisions of the Act shall be lawful but that any electric service rendered pursuant to the provisions of the Act shall be terminated; and to repeal all laws or parts of laws in conflict herewith or if Act No. 84-206, adopted in the Regular Session of 1984, is upheld, to amend Act No. 84-206 so as to provide for and approve additional agreements between electric suppliers to eliminate duplication of facilities.

Be It Enacted by the Legislature of Alabama:

Section 1. Declaration of Findings and Policy

The Legislature of the State of Alabama has investigated the economic, financial and environmental impact associated with the potential for duplication of electric distribution facilities used for the furnishing of retail electric service. It has been determined that with respect to retail electric sales, the benefit normally associated with competition between two or more entities for customers is outweighed by the tremendous cost burden which must be borne by such customers associated with the maintenance of two or more duplicate sets of facilities. It is the further finding of the Legislature that the existence of duplicate facilities for the furnishing of electricity at retail is not in the public interest because of the adverse impact which such duplication has on environmental and aesthetic values and on safety. It is therefore declared that the policy of the State of Alabama is to ensure effective, economical and orderly supply of electric service at retail to customers in the State and to avoid unnecessary duplication of facilities by electric suppliers for the furnishing of such services which would result in waste and in degradation of the environment. To accomplish these objectives, it is necessary and in the public interest to establish, mandate and implement procedures for determining which electric supplier shall furnish electric service to customers at retail within various areas of the State including areas within the corporate limits of municipalities in the State. The rules established herein for elimination of duplication of electric facilities may result in the requirement that a municipality grant consent to service by a particular electric supplier if the municipality desires that such area be supplied with electric service. Such rules are deemed essential by the Legislature in the exercise of police power of the State to eliminate wasteful duplication of electric facilities. Contracts entered into by municipalities for the purpose of securing loans pursuant to Section 11-50-11 of Code of Ala. (1975), or pursuant to any other provision of law, which restrict the grant by the municipality of a municipal franchise or consent shall not be interpreted as applying to any area of the municipality other than the areas of the city in which the municipal electric system was located on the effective date of this Act. The determinations and statements of policy set forth above are similar to those contained in Act No. 84-206 of the Alabama Legislature, Regular Session, 1984. Act No. 84-206 was declared invalid by the federal district court for the middle district of Alabama. It is the conclusion of the Legislature that such determination was improper and should be reversed, leaving valid Act No. 84-206. In the event Act No. 84-206 is hereafter declared to be valid on appeal of the decision of the federal district court, it is the intent of the Legislature that Act No. 84-206 not be repealed by this Act but shall be considered valid and binding in lieu of the provisions of this Act. It is the intent of the Legislature that this Act establish rules for elimination of duplication of facilities which shall apply to lines constructed after January 1, 1984. It has been determined that no electric supplier should be permitted to retain facilities built inconsistent with the provisions of Act No. 84-206, even though, if Act No. 84-206 is not reinstated, such construction was not prohibited by law. It has been determined further that compensation for facilities should be made in accordance with the provisions of Section 3(f) hereof.

Section 2. Definitions

(a) "Electric supplier" means any municipality, municipally-owned utility or other governmental entity, any cooperative, corporation, person, firm, association or other entity engaged in the business of supplying electric service at retail; provided, however, that no person or entity, including the Tennessee Valley Authority, who may not be lawfully regulated by the State by virtue of powers granted by the laws of the United States which prevail

over Alabama statutes, nor any university, college or United States agency which distributes electricity at retail shall be deemed an electric supplier for the purpose of this Act.

(b) "Electric service at retail" and "retail electric service" means electric service furnished to a customer for ultimate consumption, but does not include wholesale electric service furnished by an electric supplier to another electric supplier for resale.

(c) "Premises" means the building, structure or facility to which electricity is being metered or is to be furnished and metered, including all meters on such building, structure or facility through which electricity is delivered or to be delivered. Such term shall also include any building, structure or facility which is reconstructed to replace a previously existing building, structure or facility of substantially the same size. In the event two or more buildings, structures, or facilities are located on one tract of land utilized by one customer, those buildings, structures, or facilities which are or will be served through a different meter shall be considered a separate premises.

(d) "Distribution line" means an electric conductor which is operated at 35,000 volts or less, up to but not including the service drop. The service drop shall be that line from the last pole or last transformer on the distribution system to the premises.

(e) "Existing distribution line" means a distribution line in existence on January 1, 1984.

(f) "Primary electric supplier" means that electric supplier for each municipality existing on January 1, 1984 serving a plurality of the premises within the existing municipal limits to which service was actually being supplied and metered on January 1, 1984.

(g) "Secondary electric supplier" means any electric supplier serving within existing municipal limits which is not the primary electric supplier.

(h) "Existing municipal limits" means the corporate boundaries of any municipality as such boundaries existed on April 26, 1984.

(i) "Municipal consent" or "consent of the municipality" shall mean the approval by a city or town pursuant to Section 220 of the Constitution of the use of the streets, avenues, alleys or public places of the city or town evidenced by appropriate action of the proper authorities of the city or town.

(j) "Reproduction cost new less depreciation" means the total investment that would be required by the electric supplier selling the facilities to duplicate the facilities to be sold at the time of such sale utilizing then current costs for all materials, supplies, labor, land and land rights, transportation, and miscellaneous direct and indirect expenses (including overhead, engineering and supervision costs that are normally capitalized) that would be required; the costs that would be required to obtain all necessary approvals and permits; and any other costs that would be appropriately applicable to the reproduction of the facilities, less an amount representing the straight line depreciation of such reproduction costs of any depreciable items over an assumed life of thirty years for electric distribution facilities for that period of time equal to the age of the items of the electric distribution facilities being transferred. In no event, however, shall any item be depreciated more than 30% of the reproduction costs new of that item, so that in no event shall reproduction

cost new less depreciation be less than 70% of the reproduction cost of such item.

(k) "Industrial Customer" means a customer utilizing electric service at a premises at which the predominate activity is classified as mining; manufacturing; transportation, communication, electric gas and sanitary services; or miscellaneous repair services in the Standard Industrial Classification Manual, Part I, Divisions B, D and E and Major Group 76 of Division I as published in 1972 by the Statistical Policy Division of the United States Office of Management and Budget.

(1) "New Industrial Customer" means an industrial customer who constructs a new premises on a site not previously occupied by an industrial customer.

Section 3. Electric Service Outside Existing Municipal Limits

Except as otherwise provided in Sections 3(b), 3(c), 3(d) and 3(f) but notwithstanding any other provision of this Act, in areas outside existing municipal limits (including areas annexed to municipalities on or after April 26, 1984), no electric supplier shall construct or maintain electric distribution lines for the provision of retail electric service to any premises being provided retail electric service by another electric supplier, or to any new premises located within the boundaries of assigned service areas of another electric supplier. Assigned service areas outside existing municipal limits are hereby established as set forth in this Section 3.

(a) Except as specified in Sections 3(b) and 3(c) herein, each electric supplier is hereby granted a legislative franchise and assigned the sole obligation, in areas outside existing municipal limits and within existing municipal limits to the extent the standards of this Section are made applicable by Section 4(a) (5), for provision of retail electric service to all new premises located in closer proximity to existing distribution lines of such supplier than the nearest existing distribution lines of any other electric supplier (including areas annexed to municipalities on or after April 26, 1984 whether or not a municipal franchise has been granted to the electric supplier to whom an area annexed has been assigned or to any other electric supplier) such legislative franchise being subject, nevertheless, to consent of the municipality with respect to any construction or operation for which a municipal consent is required. Electric service shall be rendered by the electric supplier to whom responsibility has been assigned in accordance with its established rules and regulations. No other electric supplier shall render electric service to such premises. Thus, the assigned service area of each electric supplier in areas outside existing municipal limits is defined as the area or areas consisting of a line or lines drawn equi-distant between the existing distribution lines of such electric supplier and the nearest existing distribution line of any other electric supplier. Where a premises is located in the assigned service area of two electric suppliers, the supplier in whose assigned area the majority of the square footage of the premises falls shall provide the service. The above prohibitions and assignments shall also apply to areas within the existing municipal limits in the event the primary electric supplier fails to exercise the option to purchase set forth in Section 4 subject, nevertheless, to the consent of the municipality with respect to any construction or operation for which a municipal consent is required.

(b) Notwithstanding the above limitations stated in this Section 3 on construction of facilities to serve customers in areas outside existing municipal limits, an electric supplier may construct, operate and maintain facilities for

provision of retail electric service to any new industrial customer not presently or previously served by another electric supplier, in an area outside existing municipal limits where the initial electric service requirement to such industrial customer, under normal operations and with a six (6) month growth period permitted from date of initial service, is equal to or greater than 2500 kilowatts as measured over a fifteen (15) minute integrated period, upon written request to such electric supplier by the industrial customer to be served.

(c) Notwithstanding Section 3(b) hereof, no municipality or municipally-owned electric supplier shall provide retail electric service in any area outside existing municipal limits unless the premises to be so served is in the assigned service area of such electric supplier.

(d) The foregoing limitations shall not prevent an electric supplier from constructing electric facilities to serve its own premises used or to be used in its electric operations and other premises owned and occupied solely and exclusively by the electric supplier, or a municipality which appoints the governing body of such electric supplier or any agency of said municipality whose governing body is appointed by that municipality.

(e) Within nine months after the effective date of this Act, all electric suppliers having existing distribution lines in each county in the State shall exchange maps of such facilities (as of January 1, 1984) located within the county. These maps shall be sufficiently detailed to permit the development of a definitive understanding of the electric supplier designated to serve under the guidelines set forth in Section 3(a) above. The legislature recognizes that the vast majority of existing distribution lines within existing municipal limits will have no effect on the assigned service areas determined in accordance with this Section 3 and electric suppliers may, at their option, elect not to show existing distribution lines which do not affect the assigned service areas.

(f) In the event an electric supplier has constructed, after January 1, 1984 and prior to the effective date of this Act, electric distribution facilities to provide electric service at retail to a premises located in the assigned service area of another electric supplier, the electric supplier in whose assigned service area the facilities are located shall, at its option, have the right to acquire such facilities. Such option shall be exercised in the same manner, at the same time, and shall be subject to the same compensation provisions, specified in Section 4 of this Act; provided, however, no escrow of funds shall be required in connection with such purchase. If the electric supplier in whose area the electric distribution facilities are located fails to exercise its option to acquire such facilities, the owner of such facilities shall be authorized to maintain such facilities to provide service to premises being served as of the effective date of this Act; but shall not extend service from such facilities to new premises in violation of the principles set forth in this Section 3.

(g) Neither (i) municipal annexations after April 26, 1984, nor (ii) the construction or removal of any facilities after January 1, 1984, nor (iii) the purchase or sale of any facilities after the effective date of this Act consummated under the provisions of this Act shall affect any rights or limitations regarding retail electric service under this Section 3. Any annexation by a municipality pursuant to the laws of this State shall be subject to and conditioned upon recognition of the provisions of this Act.

Section 4. Retail Electric Service Within Municipalities

(a) Primary Supplier's Option to Acquire Facilities Within Existing Municipal Limits.

The primary electric supplier within each municipality shall, at its option, have the right to acquire all distribution facilities of any secondary electric supplier used to supply retail electric service within the existing municipal limits and shall have the right to serve all premises within the existing municipal limits of such municipality subject to the provisions of subsections 4(a) (1) through 4(a) (5). Except as authorized in this Section 4, no secondary electric supplier shall extend facilities to serve existing or new premises within the existing municipal limits of the municipality.

(1) The primary electric supplier must announce its intention to exercise its option to acquire the distribution facilities of secondary electric suppliers by giving written notice by registered or certified mail to the affected secondary suppliers within each municipality, addressed to the chief executive officer or manager of such secondary supplier, no later than thirty (30) days after the effective date of this Act. This notice shall be referred to in this Act as the "initial notice of intent to purchase." Within nine (9) months after the effective date of this Act, the primary electric supplier shall deposit in escrow with a bank whose principal office is in Alabama and which has capital and surplus not less than five million (\$5,000,000) dollars, or with any other escrow agent agreeable to the parties, the amount of one thousand (\$1,000) dollars for each premises receiving electricity from the distribution facilities proposed to be purchased by the primary electric supplier on the date of the escrow notice defined below, based on the primary electric supplier's good faith estimate of the number of premises involved. Simultaneously with such deposit, the primary electric supplier shall give notice by registered or certified mail to the affected secondary supplier of the amount and date of the deposit. This notice shall be referred to in this Act as the "escrow notice." Failure to make the escrow deposit within nine (9) months after the effective date of this Act shall constitute a forfeiture of the option granted to the primary supplier hereunder, but such failure to make such escrow deposit shall not create any liability of the primary supplier to the secondary supplier. In such event, provision of electric service shall be governed by the rules set forth in Section 4(a) (5). The secondary supplier shall, within seven (7) days after receipt of the escrow notice, provide the actual number of premises involved, if different from that estimated by the primary supplier, and the escrow deposit made by the primary supplier shall be adjusted to accommodate any difference within seven (7) days after such actual number of premises is supplied. The escrow agent shall be directed and authorized to invest the funds placed in escrow by the primary electric supplier in any investment directed by the primary electric supplier. The escrow agent is further authorized, upon election of the primary electric supplier making the deposit, to combine for investment any other deposit made by that depositor for the same purpose with respect to different facilities. The escrow agent shall render periodic accountings as to the escrow account to the primary electric supplier and the secondary electric supplier. If the purchase is consummated in accordance with this Act, the funds shall be used to satisfy the purchase price of the facilities and other consideration to be paid by the primary electric supplier to the secondary electric supplier due as of the date of closing as determined under this Section 4. Any portion of such fund in excess of the amount due to be paid to the secondary electric supplier on the date of closing shall be refunded to the primary electric supplier. If the amount due to be paid by the primary electric supplier to the secondary electric supplier under this Section 4 on the date of closing is in excess of the amount in the escrow account, the primary electric supplier

shall pay the difference to the secondary electric supplier at closing. If the closing of the facilities is not consummated because of the failure of the primary electric supplier to pursue its option under this Act to purchase the distribution facilities, the escrow agent shall be instructed to deliver from the escrow fund to the secondary electric supplier, fourteen (14) days after the date on which the primary electric supplier's rights to purchase the facilities expire unconsummated, the interest earned on the amount deposited from investment of such funds plus ten percent (10%) of the amount originally deposited by the primary electric supplier. The balance of such escrow funds shall be returned to the primary electric supplier making the deposit.

(2) Unless otherwise agreed to by the secondary electric supplier and except as provided in Section 4(a) (3), the primary electric supplier must offer to purchase all of the distribution facilities of the secondary electric supplier utilized by the secondary electric supplier for retail electric service within the existing municipal limits of any particular municipality. The primary and secondary electric supplier shall cooperate in the development of an inventory of such facilities and in the valuation of the facilities to be sold and other consideration to be paid in accordance with the principles set forth in subsection (a) (4) below. The secondary electric supplier shall also furnish to the primary electric supplier an accurate record of the revenues billed to customers of the secondary electric supplier located within the existing municipal limits of the municipality for the twelve (12) months preceding the date of the escrow notice from the primary electric supplier of its exercise of the option to purchase facilities. The secondary electric supplier shall also provide the primary electric supplier with such information as is available to the secondary electric supplier concerning title to the distribution facilities. Within three (3) months after the escrow notice has been given to the secondary electric supplier, if agreement has not been reached as to the inventory of facilities to be acquired and the value thereof or other consideration to be paid, the primary electric supplier shall be entitled to provide, in writing, its proposal listing the distribution facilities to be acquired, stating its estimate of the value and listing its evaluation of other consideration to be paid in accordance with subsection (a) (4) hereof. Within thirty (30) days after receipt of any such proposal, the secondary electric supplier shall state its objections, if any, to the matters contained in such proposal. If the secondary electric supplier fails to submit objections within such thirty (30) day period, the proposal submitted by the primary electric supplier shall be conclusive as to the matters contained therein. If the secondary electric supplier does provide written objections, any dispute between the parties shall be resolved by mutual agreement or by the procedure set forth in Section 5 hereof.

(3) Each affected secondary supplier shall have the right to continue to provide retail electric service in accordance with its established rules and regulations, without time limitation, to any premises within the existing municipal limits of any municipality, the electric load of which (a) was 800 kilowatts or greater for three consecutive months during the three (3) years prior to January 1, 1984; or (b) is served from a substation or step-down transformer from 44 kilovolts or higher which is devoted exclusively to service to the particular premises.

(4) The reproduction cost new, less depreciation, of the facilities to be acquired shall be determined as of thirty (30) days prior to the date established for the closing of the acquisition. The facilities transferred shall be conveyed by warranty deed, "as is, where is", without warranty, express or implied, as to the condition of the facilities. In addition to such reproduction costs,

the primary electric supplier shall (i) reimburse the secondary electric supplier the costs to the secondary electric supplier for removal of its meters which are excluded from the definition of distribution facilities in Section 4(b) (i); (ii) reimburse the secondary electric supplier the cost of constructing any necessary facilities to reintegrate the system of the secondary electric supplier after detaching the portion to be sold to the primary electric supplier such that the reintegrated system and supply of power and energy thereto in those areas that will continue to be served by the secondary electric supplier will be as adequate and dependable as exists prior to the sale; such reimbursement to include the cost of removal and to be reduced by the salvage value of any facilities removed by the secondary electric supplier; (iii) reimburse the secondary electric supplier its original cost depreciated for facilities of the secondary electric supplier excluded from the definition of distribution facilities under Section 4 (b) (ii) in which case the primary electric supplier shall take title to such facilities or, at the option of the secondary electric supplier, reimburse the secondary electric supplier the cost of removal, in which case the secondary electric supplier shall retain title; and (iv) pay to any wholesale supplier of the secondary electric supplier (or if the secondary electric supplier does not purchase its electric supply at wholesale then to the secondary electric supplier) the original cost depreciated of any facilities other than distribution facilities, as described in Section 4(b) (iii), rendered useless by such acquisition of the distribution system of the secondary electric supplier; provided, however, at the election of the owner of such facilities, the payment to be made shall be the cost to such owner of relocating such facilities. The primary electric supplier shall pay the secondary electric supplier the amount determined pursuant to this Act for reproduction cost new less depreciation of the distribution facilities together with the amount due under Section 4(a) (4) (i), (ii), (iii) and (iv) immediately upon transfer of title to the facilities. In addition, to compensate the secondary electric supplier for the loss of future revenues from presently served or future developing premises, and not as compensation for the sale of its facilities, the primary electric supplier shall pay to the secondary electric supplier an amount equal to two and one-half times (2-1/2) the total revenue from electric sales derived by the secondary electric supplier from customers within the existing municipal limits during the twelve (12) months prior to the date escrow notice is given by the primary electric supplier of its election to purchase the facilities. This amount shall be paid in ten (10) equal annual installments beginning on the date the sale of facilities is consummated.

(5) Each affected secondary electric supplier shall have the right to continue to provide service to premises located within the existing municipal limits until such time as the primary electric supplier exercises its option to purchase and until such purchase is consummated pursuant to the procedures established herein. In the event the electric facilities of the secondary electric supplier are subject to an option to purchase as provided herein, the secondary electric supplier shall have the right to continue to maintain such facilities and retail electric service until the primary electric supplier purchases the facilities of the secondary electric supplier. Until the purchase of the facilities of the secondary supplier is consummated, the secondary supplier shall also have the right, subject to consent of the municipality with respect to any construction or operation for which a municipal consent is required, to provide service to any new premises located closer to the existing distribution lines of the secondary electric supplier than to those of the primary electric supplier or any other electric supplier except for new industrial customers having a size equivalent to that specified in Section 3(b) of this Act, if such new industrial customer has requested service from the primary

electric supplier. The compensation required for the purchase of the secondary electric supplier's facilities, by the primary electric supplier of facilities built by the secondary electric supplier pursuant to the previous sentence shall be limited to the reproduction costs new, less depreciation, of facilities constructed to serve such new premises and the primary electric supplier shall not be required to pay any of the other costs specified in Section 4(a) (4). In the event the primary electric supplier does not exercise the option to purchase the facilities of the secondary electric supplier as provided in this Section 4, the primary electric supplier and any other electric supplier shall be prohibited from extending its facilities for service to existing premises being served by the secondary electric supplier or to new premises located closer to the existing distribution lines of the secondary electric supplier than to the existing distribution lines of the primary electric supplier or any other electric supplier under the standards set forth in Section 3. The secondary electric supplier shall have the right to continue to maintain its facilities and service and make extensions to serve new premises within the existing municipal limits under the standards set forth in Section 3, notwithstanding the lack of a municipal franchise from the municipality in which such premises are located, subject, nevertheless, to consent of the municipality for construction or use of the streets, avenues, alleys, or public ways of the municipality to the extent such consent is required.

(b) Distribution Facilities to be Purchased

The term "distribution facilities" as used in Section 4(a) shall include distribution lines and other facilities constructed or installed by the electric supplier in the area to which the purchase option applies, for the rendering of retail electric service except (i) meters, (ii) distribution transformers of voltages not compatible with those of the acquiring electric supplier, (iii) substations of such a voltage that are not compatible with operations of the acquiring electric supplier, (iv) facilities for provision of service by the secondary supplier to premises the electric loads of which such secondary supplier may continue to serve under Section 4(a) (3), and (v) such facilities designated by the supplier as necessary to continue its service in an area not subject to the purchase option herein or to serve such supplier's own load.

Section 5. Resolution of Disputes as to Sales of Facilities or Purchases

In the event that a dispute should arise between two or more electric suppliers in connection with the purchase of distribution facilities under Section 3 or Section 4 of this Act, the primary electric supplier involved may petition the Circuit Court for the judicial circuit in which the distribution facilities to be purchased are located to determine such matters as are in dispute between the parties. If the purchase of distribution facilities proposed to be purchased under the escrow notice described in Section 4(a) (1) of this Act is not closed within six (6) months after the date of the escrow notice and if the primary electric supplier has not filed a petition for resolution of disputes in the appropriate court within fourteen (14) days after six (6) months from the date of the escrow notice, then the primary electric supplier's exercise of the option shall be void and of no further effect and the primary electric supplier shall have no right to purchase such facilities thereafter.

If a petition is filed with the appropriate Circuit Court, the sale of the facilities shall be closed within ninety (90) days from the date of the issuance of a final order of the Circuit Court (or from the date of the decision of an appellate court if such matter is appealed). If the closing is not completed within such ninety (90) days due to the failure of the primary electric supplier

to close for any reason, the primary electric supplier's exercise of the option shall be void and it shall thereafter have no further right to purchase the distribution facilities covered by the escrow notice.

Section 6. Applicability of Certain Provisions of Title 37

With respect to any sale of facilities consummated pursuant to the provisions of this Act, the provisions of Section 37-1-50, Code of Alabama (1975), shall not be applicable to such sale or to the cessation by a utility of rendering service from such facilities involved in such sale. To the extent of any conflict between this Act and the provisions of Section 37-4-60 through Section 37-4-65, Code of Alabama (1975), the provisions of this Act shall govern and control.

Section 7. Special Rules for Elimination of Duplication

The separate agreements listed below which have heretofore been entered into between, or negotiated between retail electric suppliers, have been reviewed by the Legislature, determined to be in the public interest and found not to be inconsistent with the purposes and policies set forth in this Act. In areas to which these agreements are applicable, the procedures for elimination and prevention of duplication of electric distribution facilities set forth in these agreements shall govern. The following agreements are therefore mandated by the State of Alabama to be applicable:

1. Agreement between Cherokee Electric Cooperative (successor to Cherokee County Electric Membership Corporation) and Alabama Power Company dated June 5, 1940.
2. Agreement among the City of Bessemer, Alabama, Alabama Power Company and the Tennessee Valley Authority dated August 12, 1971.
3. Agreement between the City of Tarrant City, Alabama and Alabama Power Company dated June 8, 1983 regarding electric service areas in and around Tarrant City, Alabama.
4. Agreement between Alabama Power Company and Covington Electric Cooperative dated as of January 18, 1985 regarding electric service areas in Enterprise, Alabama.
5. Agreement between Alabama Power Company and Dixie Electric Cooperative dated as of January 2, 1985 regarding electric service areas in Montgomery and Union Springs, Alabama.
6. Agreement between Alabama Power Company and Pea River Electric Cooperative dated January 18, 1985 regarding electric service areas in Ozark, Alabama.
7. Agreement between Alabama Power Company and Tallapoosa River Electric Cooperative dated as of January 18, 1985 regarding electric service in areas of Randolph and Tallapoosa Counties, Alabama.
8. Agreement among Covington Electric Cooperative, the City of Elba, Alabama and the City of Elba Water and Electric Board dated as of January 29, 1985 regarding electric service in and around Elba, Alabama.
9. Agreement between Alabama Power Company and Southern Pine Electric Cooperative dated as of January 18, 1985 regarding electric service areas in Flomaton and Brewton, Alabama.

10. Agreement between South Alabama Electric Cooperative, Inc. and the City of Troy, Alabama dated as of October 14, 1983 and January 31, 1984 regarding electric service in areas around Troy, Alabama and the sale of distribution facilities.
11. Agreement between Alabama Power Company and Cullman County Electric Cooperative, Inc. dated as of January 2, 1985 regarding electric service areas in Cullman and Winston Counties, Alabama.
12. Agreement between South Alabama Electric Cooperative, Inc. and The City of Brundidge dated April 11, 1984 regarding electric service in and around the City of Brundidge, Alabama.
13. Agreement between Southern Pine Electric Cooperative, Inc. and the City of Evergreen, Alabama as such agreement is reflected in the resolution of the City Council of the City of Evergreen dated June 6, 1967 relating to electric service in the City of Evergreen.
14. Agreements between Covington Electric Cooperative and the City of Andalusia reflected in and reaffirmed by the resolution of the City of Andalusia dated January 29, 1985.
15. Agreement between The Utilities Board of the City of Cullman and the Cullman Electric Cooperative dated November 5, 1954.

If any agreement specified above is hereafter terminated pursuant to provisions of such agreement authorizing such termination, the rules contained in such agreement shall not, thereafter, be binding for the prevention of duplication of electric facilities from and after the date of termination. After such date, the rules established in Sections 3 and 4 hereof shall govern; provided, however, in the event the agreement related to service inside a municipality, the right of the primary electric supplier to exercise an option to purchase facilities under Section 4 of the Act shall be governed by the time limits established in Section 4.

Nothing in this Act shall apply to affect valid regulations or contracts of the Tennessee Valley Authority or other suppliers of electricity who may not be lawfully regulated by the State. Subsequent to the effective date of this Act, suppliers shall be permitted to enter into mutual agreements, approved by the respective governing bodies of all Suppliers affected by the agreement, respecting the nonduplication of lines, that are consistent with the purposes and policies set forth in this act; provided, however, that no subsequent agreement shall be valid unless and until it has been reviewed by the Legislature and the Legislature has amended this section to mandate the implementation of the provisions of such agreement.

Section 8. Provision of Retail Electric Service in Violation of this Act

(a) If an electric supplier commences construction of facilities in violation of the provisions of this Act, any aggrieved electric supplier which is designated herein as the entity to provide such service (the "Aggrieved Electric Supplier") may petition the Circuit Court for the judicial circuit in which the facilities are being constructed by the offending electric supplier for an injunction to prevent the offending electric supplier from completing the facilities for provision of the retail electric service in question.

(b) If an electric supplier believes that another electric supplier has already rendered or extended electric service at retail to a premise which was designated to be served by the Aggrieved Electric Supplier, the Aggrieved

Electric Supplier shall give notice in writing to the offending electric supplier of the potential violation of this Act. The offending electric supplier shall have forty-five (45) days to determine whether it is in violation of this Act. If the offending electric supplier concludes that it is violating this Act, it may cease rendering and extending electric service at retail to the premises in question at the time and upon the schedule designated in writing by the Aggrieved Electric Supplier and the offending electric supplier shall have no liability to the Aggrieved Electric Supplier for violation of this Act. If the offending electric supplier does not cease rendering service and remove its distribution facilities within the forty-five (45) day period or within such longer period designated by the Aggrieved Electric Supplier, the Aggrieved Electric Supplier may file suit in the Circuit Court for the judicial circuit in which the rendition or extension occurs to enjoin the offending electric supplier from continuing such rendition or extension and for damages. If a violation of this Act is proved, the offending electric supplier shall (1) remove its facilities constructed for the rendition of retail electric service to the premises at the time and upon the schedule designated in writing by the Aggrieved Electric Supplier; and (2) pay to the Aggrieved Electric Supplier twenty-five percent (25%) of the gross revenues derived by the offending electric supplier from the sale of electric service in violation of this Act from and after the date that is forty-five (45) days after the date on which the notice of violation was given. In addition, the offending electric supplier shall reimburse the Aggrieved Electric Supplier for all witness fees, court costs, reasonable attorneys fees and other expenses incurred in any litigation to enforce the Aggrieved Electric Supplier's rights under this Act. If the violation is not proved, the Aggrieved Electric Supplier shall reimburse the offending electric supplier for all witness fees, court costs, reasonable attorneys fees and other costs incurred in the litigation. All actions or proceedings for injunction or for damages shall be brought within three (3) years after the offending electric supplier first renders or extends electric service at retail in violation of this Act.

Section 9. Validation Procedure; Authorization for Validation of provisions of the Act

In order to foster and encourage the underlying policies of this Act and to assure that sales and purchases of distribution facilities, and other transactions and actions authorized or allowed by this Act may be conducted in good faith with a knowledge of the validity of the provisions hereof and further, to assure that irrevocable commitments are not made in the implementation of the provisions of this Act without the assurance of their legality and validity, the following judicial review process is hereby authorized and it is declared to be the legislative intent that the provisions of this statute be judicially reviewed and validated pursuant to the procedure set forth herein and that the Circuit Court enter a judgment in accordance with the procedure set forth herein.

(a) Filing of Complaint for Determination as to Legality of Provisions of Act

At any time subsequent to the effective date of this Act, an affected secondary electric supplier whose distribution facilities are subject to the provisions of this Act and whose facilities may be purchased pursuant to this Act by a primary electric supplier may, in its discretion before the closing of such purchase, seek judicial determination of the legality and validity of the provisions of this Act. Such complaint shall be filed in the Circuit Court of Montgomery County, Alabama which shall have exclusive

venue for the determination of all questions of the legality and validity of the provisions of this Act. The filing of any complaint for validation shall stay the dates established for the closing of all sales of facilities pursuant to the provisions of this Act until, with respect to each situation in which intent to exercise the option to purchase has been or is thereafter announced, a date is established by the mutual agreement of the affected primary and secondary electric supplier, which date shall not be in excess of ninety (90) days after the final resolution of the action to determine the legality and validity of the provisions of this Act, including any appeal therefrom. It is the intention of the Legislature that implementation of the provisions set forth in this Act shall not be stayed, other than as set forth above, during the pendency of any such litigation because of the need to eliminate, as soon as possible, duplication of electric distribution facilities.

(b) Contents of Complaint: Order and Notice of Hearing to Show Cause

(1) The complaint by appropriate allegations, references and/or exhibits shall briefly state the following: the authority for the purchase and sale of distribution facilities and other transactions and restrictions under this Act; the nature of any municipal franchise which will be affected; a general description of restrictions imposed by this Act; and the impact which such restrictions and sale shall have on the parties and the public.

(2) The judge of said court shall, upon the filing and presentation of said complaint, issue an order against the citizens of the state, all municipalities and governmental units and other defendants requiring them to show cause, at a time and place to be designated in said order, which time shall be not less than 35 days nor more than 56 days after the issuance of such order, and which place shall be within Montgomery County, why said purchase and sales and the other transactions and restrictions and all other proceedings under this Act should not be validated and confirmed. Notice of such order shall be given in accordance with (4), (5) and (6) below.

(3) The Attorney General of the State of Alabama shall be the designated representative of the citizens of the State of Alabama and shall appear on their behalf for all purposes in any proceeding brought pursuant to this section.

(4) Prior to the hearing of said cause, the clerk of said court shall publish, in a newspaper of general circulation published in Montgomery County, once each week for at least three weeks before the hearing, the first publication which would be at least 21 days before such hearing, a notice addressed to the citizens of the State of Alabama and all municipalities and governmental units requiring them, at the time and place specified in the order providing for the hearing of such case, to show cause, if any there be, why said purchase and sale or other transaction and restriction that may be referred to in the complaint should not be validated and confirmed. In addition, the clerk of said court shall also publish notice to the citizens of the state and all municipalities and governmental units in newspapers of general circulation customarily published not less often than five days during each calendar week in the cities of Andalusia, Birmingham, Dothan, Florence, Gadsden, Huntsville, Mobile, Selma and Tuscaloosa. By the publication of such notice, all citizens of the state, all municipalities and governmental units shall become parties defendant to such proceedings, and the court shall have jurisdiction of them the same as if each of them were named individually as party defendants in said complaint and personally served with process.

(5) In addition to the publication and notice set forth in (4) supra, the clerk of the Circuit Court in Montgomery County shall also cause a summons

and complaint to be served upon the Attorney General of the State of Alabama as representative of all citizens of the State of Alabama and upon all other parties named as defendants in the action.

(6) The plaintiff shall certify to the court, in writing, with an attached list, that it has mailed a copy, by certified mail, return receipt requested, of the complaint filed in the action to each other electric supplier in the state, as defined in this Act. Said notice to said electric suppliers shall inform them of the time and place of the hearing and shall contain a copy of the complaint filed herein. The notice required by this paragraph shall be mailed not less than 21 days prior to the date set for the hearing.

(7) Each electric supplier, municipality and governmental unit which receives notice pursuant to the provisions set forth in (4), (5) and (6) above, or which receives notice in any manner whatsoever of this action, may petition the court, as a matter of right, to intervene in said action and to participate in the hearing provided for in Section 9(c) below.

(8) The failure of any electric supplier, municipality and/or governmental unit having actual or constructive notice of the proceeding to exercise the right to intervene and participate in the hearing shall be deemed a waiver of any right such electric supplier, municipality or governmental unit may have to participate and to challenge, contest or otherwise question the validity of any of the provisions of this Act.

(c) Hearing and Entry of Judgment; Appeals from Judgment of Circuit Court

At the time and place designated in said order, the judge of said Circuit Court shall proceed to hear and determine all questions of law and of fact in said civil action, and he shall make such order, or orders, as to the proceedings in said civil action as will best preserve and protect the interests of all parties and to enable him to enter a final judgment with the least possible delay. The final judgment shall find the facts specially and shall state separately the judge's conclusions with regard to any and all legal issues raised with regard to the legality and validity of the provisions of this Act and shall state the judge's conclusions of law thereon. Any citizen of the State may appear in such proceedings, either personally or by attorney, and any party thereto, whether plaintiff, defendant or intervenor, dissatisfied with the judgment of the court may appeal therefrom to the Supreme Court of Alabama in accordance with the Alabama Rules of Appellate Procedure. Such appeal shall take priority in the Supreme Court over all other cases therein pending, except petitions for writs of habeas corpus.

(d) When Judgment of Circuit Court Final and Conclusive as to Validity of Purchase, Sale and Other Transactions or Restrictions Under This Act

If the Circuit Court shall enter a judgment validating the provisions of this Act and no appeal shall be taken within the time prescribed within the Alabama Rules of Appellate Procedure; or, if an appeal is taken and the judgment validating the provisions of this Act shall be affirmed by the Supreme Court; or, if the Circuit Court shall render a judgment refusing to validate the provisions of this Act, and on appeal such judgment shall be reversed by the Supreme Court (in which case the Supreme Court shall issue its mandate to the Circuit Court requiring it to enter a judgment validating the provisions of this Act), the judgment of the Circuit Court validating the provisions of this Act shall be forever conclusive against all citizens of the state, electric suppliers, municipalities and other governmental units having

actual or constructive notice of the proceedings as to the validity of the provisions of this Act.

(e) Costs of Proceedings

The court costs in any proceeding brought under this Act shall be paid by the electric supplier commencing the action.

(f) Article Not Applicable Where the Validity of Purchase, Sale or Other Transaction Is in Controversy in Pending Actions or Proceedings

No action shall be commenced challenging the legality or validity of the provisions of the Act, or the legality or validity of a purchase and sale transaction or restriction under this Act where the legality or validity of the Act is in controversy in any prior pending civil action or proceeding in any court or has been determined in any such action. In the event any action is pending in any circuit in the State which raises or challenges the legality or validity of any provision of this Act at the time an action is filed under this Section 9, such pending action shall be transferred to the Circuit Court of Montgomery County and shall be consolidated with the action filed pursuant to this Section 9 and the consolidated proceeding shall be adjudicated in accordance with the procedures set forth in this Act.

Section 10. Effect of Any Ruling of Invalidity

If any part of Section 3, Section 4 or Section 7 of this Act is declared invalid under the constitution or laws of this state, including invalidity as a result of impairing unconstitutionally the obligations of a municipal franchise, such declaration shall render invalid all parts which remain; provided, however, that any ruling that the provisions of this Act impair unconstitutionally the obligations of any contract other than a municipal franchise shall not render invalid the application of the Act in all instances not covered by such contract. Notwithstanding such invalidity, action taken by any party in conformity with the provisions of this Act shall be considered lawful actions by such party; provided, however, any electric service rendered which would have been illegal or unlawful or violative of any contractual provision absent this Act shall be terminated and the facilities shall be removed following any determination of the invalidity of this Act. In all other respects, the provisions and applications of this Act shall be deemed to be severable and a declaration of invalidity as to any other part or as to any application thereof to any person or circumstance shall not render invalid the parts or applications which remain.

Section 11. Repealer

Except as provided in this Section 11, all laws or parts of laws in conflict with the provisions of this Act are hereby repealed. In the event, as a result of a final adjudication in Dixie Electric Cooperative, et al. vs. The Citizens of the State of Alabama, et al., Civil Action No. CV 84-V-891-N, it is determined that Act No. 84-206 of the Alabama Legislature, Regular Session, was valid and constitutional, such Act No. 84-206 shall remain in effect. The principles of this Act which are inconsistent with the provisions of Act No. 84-206 shall no longer be effective with the following exceptions:

(a) The Agreement adopted as being in the public interest which is listed in Item 11 of Section 7 hereof.

(b) The Agreement adopted as being in the public interest which is listed in Item 12 of Section 7 hereof.

(c) The Agreement adopted as being in the public interest which is listed as Item 13 of Section 7 hereof.

(d) The Agreement adopted as being in the public interest which is listed as Item 14 of Section 7 hereof.

To the extent actions are taken pursuant to this Act which are inconsistent with actions required to be taken under Act No. 84-206, the actions taken hereunder shall be considered lawful. In the event Act No. 84-206 is declared to be valid and constitutional, the time periods for purchase of facilities set forth in Section 4 of such Act shall be extended to occur within nine (9) months from the date of final adjudication of validity.

Section 12. Effective Date

This Act shall become effective upon its passage and approval by the Governor or its otherwise becoming law.

SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Carothers offered the following substitute to the substitute offered by Rep. Campbell to the bill, H. 114:

A BILL TO BE ENTITLED AN ACT

To declare that the public policy of the State of Alabama is to ensure the economical provision of Electric Service and to discourage unnecessary duplication of electric distribution facilities and to establish procedures to accomplish these objectives; to provide procedures for determining which electric Supplier shall serve various retail electric customers located within the State; to provide for the voluntary sale of certain electric facilities; to provide for the resolution of disputes among electric Suppliers regarding the provision of retail Electric Service to certain customers; to provide that the provisions of this Act are not severable and that if any provision is declared invalid, the remaining provisions also shall be invalid and that if the act is declared invalid, any actions taken by any party in conformity with the provisions of the act shall be lawful but that any Electric Service rendered pursuant to the provisions of the act shall be terminated; and to provide for the repeal of all laws or parts of laws which conflict with the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title. This act shall be known and may be cited as the "Alabama Electric Supplier Stabilization Act."

Section 2. Declaration of Policy. The Legislature of Alabama has evaluated the consequences attendant to the duplication of electric distribution facilities. It is the finding of the Legislature that the duplication of electric distribution facilities may be detrimental to the public safety and, therefore, generally is not in the public interest. It is therefore declared that the public policy of the State is to discourage the unnecessary duplication of electric distribution facilities by electric Suppliers for the furnishing of retail Electric Service; and to accomplish this objective it is necessary and in the public interest to implement procedures for determining which electric Suppliers shall furnish Electric Service to certain customers at retail within various areas of the State.

Section 3. Definitions.

(a) "Public Utility" means an electric utility regulated by the Alabama Public Service Commission, or its successor in function.

(b) "Cooperative" means a Cooperative, non-profit, membership corporation organized under Chapter VI of Title 37, Code of Alabama 1975, or an electric membership corporation organized under Chapter VII of Title 37, Code of Alabama 1975.

(c) "Municipality" means any municipal corporation in the State of Alabama including, but not being limited to, a public corporation created and established pursuant to Section 11-50-310 et seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, an improvement authority created and established pursuant to Section 39-7-1 et seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, a municipal electric utility board created and established pursuant to Section 11-50-490 et seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, or a municipal power district created and established pursuant to Section 37-5-1, et seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import.

(d) "Supplier" means any Public Utility, Cooperative, or Municipality, person, firm, association or other entity engaged in the business of supplying retail Electric Service in the State, but shall not include (i) any federal government entity, including, without limitation, the Tennessee Valley Authority and Southeastern Power Administration, or (ii) any electric Cooperative, governmental agency, or other entity primarily engaged in generating, transmitting and selling electricity at wholesale; provided, however, that a university, college or United States military base which distributes electricity shall not be deemed a Supplier for purposes of this act.

(e) "Electric Service" means electricity furnished to any Consumer by a Supplier.

(f) "Consumer" is any person, firm, corporation, or other entity receiving or intending to receive Electric Service at a specific Service Entrance.

(g) "Service Entrance" means the entrance of Electric Service from facilities of the Supplier to the service equipment or utilization equipment of the Consumer. In determining "Service Entrance" reference shall be made to the definition of "entrance of the service to the service equipment or utilization equipment" as defined in the National Electric Code.

(h) "New Service Entrance" means a Service Entrance not previously served with electricity. A change, improvement, replacement, enlargement, or change in location or Service Entrance shall not be deemed a "New Service Entrance" if utilized to serve any service or utilization equipment previously served with electricity from the former Service Entrance, but for the rules of this act shall be deemed the former "Service Entrance." A change in Consumer shall not be construed to make an existing Service Entrance a "New Service Entrance." A change, enlargement, or other modification of service utilization equipment served from an existing Service Entrance shall not be construed to make it a "New Service Entrance."

(i) "Transmission Line" means that portion of any electric conductor which in the usual and ordinary operations of the owner or operator thereof is operated at 46,000 volts or greater.

(j) "Service Line" means that portion of any electric conductor which in the usual and ordinary operations of the owner or operator thereof is operated at less than 46,000 volts and is used or capable of use to provide Electric Service for a Consumer.

(k) "Existing Service Line" means any Electric Service line in existence at the time of the event in question and constructed to supply a Consumer that could be lawfully served by that Supplier under this act.

(1) "Herein," "hereby," "hereunder," "hereof," and other equivalent words refer to this act as an entirety and not solely to the particular section or portion thereof in which any of these words is used. Where used in this act, words in the present tense shall be construed to include the future tense, the singular shall be construed to include the plural, the plural shall be construed to include the singular, and nouns and pronouns shall be construed to include all genders.

Section 4. Supplier Prohibited from Serving Consumers of Another Supplier. No Supplier shall construct or extend its Service Lines or other facilities, nor make any electric connections, nor permit any connections to be made to any of its facilities for the purpose of supplying Electric Service nor shall it supply or furnish Electric Service to any Service Entrance that is then or had at any time previously been connected for Electric Service to facilities of another Supplier, without the written consent of such other Supplier; provided, however, (a) such other Supplier is then, or was previously the last Supplier, lawfully connected to said Service Entrance and (b) such other Supplier is willing and able to provide adequate Electric Service.

Section 5. Rules for Selecting Electric Supplier for New Electric Service Entrances. In the event more than one Supplier is willing and able to provide adequate Electric Service to a Consumer at any New Service Entrance, the following rules shall govern:

(a) If no electric Supplier has an Existing Service Line within 400 feet of the New Service Entrance, the customer shall have the right of choice of Supplier.

(b) If only one (1) Supplier has an Existing Service Line within 400 feet of the New Service Entrance, that Supplier shall have the right to serve the customer at the New Service Entrance.

(c) If more than one Supplier has an Existing Service Line within 400 feet of the New Service Entrance, the Supplier whose Existing Service Line is nearest the new Service Entrance shall have the right to serve the Consumer at the New Service Entrance.

(d) If more than one Supplier has an Existing Service Line within 400 feet of the New Service Entrance and the Existing Service Lines are equidistant from the New Service Entrance, or it cannot be determined by proof which Service Line is nearest the New Service Entrance, then the Consumer shall have the right of choice of Supplier.

No Supplier shall construct or extend Service Lines or other facilities, nor make any electric connections, nor permit any connection to be made from any of its facilities to any New Service Entrance nor shall it supply Electric Service to any New Service Entrance in violation of the rules herein, without the written consent of any Supplier having a superior right under these rules to serve the Consumer at the New Service Entrance.

Section 6. Purchase of Facilities.

(a) Electric Municipality Option to Purchase Facilities of Other Supplier.

Notwithstanding any other provision of this act, in the event Electric Service is being supplied by two or more Suppliers to Consumers' Service Entrances that are located within the corporate limits of any Municipality that provides Electric Service at retail as those corporate limits exist on the effective date of this act, the Municipality may from time to time, at its option, purchase all or any part located within the Municipality of the Service Lines and other facilities of each other Supplier, including all Service Lines and other facilities used or useful in supplying Electric Service in the Municipality at retail to Consumers whose Service Entrances are affected by the option to purchase; and provided further, that the option to purchase shall not include (i) any generation or substation facilities or Transmission Lines or Service Lines within the Municipality which are used or useful by the Supplier, in whole or in part, in connection with electric supply outside the corporate limits of the Municipality or to connect different portions of the Supplier's electric system which are not subject to the option to purchase herein provided for; or (ii) electric facilities used in providing service to Service Entrances owned or operated by the Supplier. Notwithstanding the preceding sentence, the Municipality may, if agreed to by the affected Supplier, purchase (i) any generation or substation facilities or Transmission Lines or Service Lines within the Municipality which are used or useful by the Supplier, in whole or in part, in connection with electric supply outside the corporate limits of the Municipality or to connect different portions of the Supplier's electric system which are not subject to the option to purchase herein provided for; and (ii) facilities used in providing service to Consumers' Service Entrances owned or operated by the Supplier. The purchase procedure established by this act shall also be applicable to electric facilities located in any area annexed by an Municipality which supplies Electric Service at retail after the effective date of this act.

(b) Manner of Exercising Option to Purchase Electric Facilities. The option to purchase described in paragraph (a) of this section shall be exercised by the Municipality giving written notice to the Supplier in the form of a general description of the electric facilities to be purchased, accompanied by an offer to purchase for a purchase price computed as follows:

(i) The Municipality shall pay to the affected Supplier an amount equal to the original cost, less depreciation, of the Service Lines and related facilities to be acquired shall be determined as of thirty (30) days prior to the date established for the closing of the acquisition. The facilities transferred shall be conveyed by deed, "as is, where is", without warranty, express or implied, as to the condition of the facilities. In addition to the amount of such original costs, the Municipality shall (A) pay to the affected Supplier those costs incurred by the Supplier for the necessary removal of any meters or other unpurchased equipment; (B) pay to the affected Supplier the cost of constructing any necessary facilities to reintegrate the system of the Supplier after detaching the portion to be sold to the Municipality such that the reintegrated system and supply of power and energy thereto in those areas that will continue to be served by the affected Supplier will be as adequate and dependable as exists prior to the sale; such reimbursement to include the cost of removal and to be reduced by the salvage value of any facilities removed by the Supplier; and (C) pay to any wholesale Supplier of the affected Supplier (or if the Supplier does not purchase its electric supply at wholesale then to the Supplier) the original cost, less depreciation, of any substations of a voltage that are not compatible with the operations of the Municipality, rendered useless by such acquisition of the distribution system of the affected Supplier; provided, however, at the election of the owner of

such facilities, the payment to be made shall be the cost to such owner of relocating such facilities. The Municipality shall pay the Supplier the amounts determined pursuant to this subsection (B) immediately upon transfer of title to the affected facilities. In addition, to compensate the affected Supplier for the loss of future revenues from presently served or future Service Entrances, and not as compensation for the sale of its facilities, the Municipality shall pay to the affected Supplier an amount equal to two times (2) the net revenue from electric sales derived by the affected Supplier from customers served by the Service Lines and facilities purchased by the Municipality during the twelve (12) months prior to the date notice is given by the Municipality of its election to purchase the facilities. This amount shall be paid in ten (10) equal annual installments beginning on the date the sale of facilities is consummated.

(c) Resolution of Disputes as to Sales of Facilities or Purchases

In the event that a dispute should arise between and Municipality and Suppliers in connection with the purchase of Service Lines and related facilities, either Supplier involved may petition the Circuit Court for the judicial circuit in which any of the Service Lines and related facilities to be purchased are located to determine such matters as are in dispute between the parties. If a petition is filed with the appropriate Circuit Court, the sale of the facilities shall be closed within ninety (90) days from the date of the issuance of a final order of the Circuit Court (or from the date of the decision of an appellate court if such matter is appealed).

(d) Street Lighting. Notwithstanding Section 37-1-80 et seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, in areas annexed by a Municipality in which the Municipality has not exercised the option to purchase other Suppliers' facilities, each Supplier shall, in any portion of the annexed area proximate to its Service Lines, furnish street lighting satisfactory to the Municipality at a cost to the Municipality not greater than the cost to the Municipality of providing comparable street lighting in the remaining areas within its corporate limits.

(e) Municipality Franchised to Serve Customers in Another Town or City. Notwithstanding any other provision contained herein, any Municipality that is franchised to serve Consumers located in another incorporated city, town or Municipality on the effective date of this Act may continue to serve existing and New Service Entrances pursuant to the terms of its franchise.

Section 7. Non-municipal Suppliers Prohibited from Extending Electric Service. Nothing contained herein shall authorize any Cooperative or Public Utility having Transmission Lines presently within the corporate limits of any Municipality that is presently engaged in the sale of electrical energy at retail, to make any service connections within the corporate limits of such Municipality from such Transmission Lines.

Section 8. Special Rules of Interpretation. Nothing contained in this act shall be construed to:

(a) grant the Alabama Public Service Commission jurisdiction over Cooperatives or municipalities.

(b) preclude any Supplier from extending Electric Service to its own property or facilities, including water, sewer, airport and industrial park facilities owned, operated, developed by or associated with the Supplier, or to another Supplier for resale, providing any line extension made under this clause shall not be considered in determining the right of Suppliers to serve

New Service Entrances under this act. A Supplier shall not, however, commence Electric Service to water, sewer, airport, industrial park or other facilities owned, operated, developed by or associated with the Supplier which are being served by another Supplier, unless the Supplier has purchased the Service Lines and related facilities of the other Supplier that are devoted to serving the water, sewer, airport, industrial park or other facilities, or unless the affected Supplier has indicated in writing that it wishes to retain the affected Service Lines and related facilities even though it will no longer be providing Electric Service to the water, sewer, airport, industrial park or other facilities in question. The procedures for the purchase of the affected Service Lines and related facilities and the resolution of disputes related thereto shall be those prescribed in Section 6 of this act relating to the purchase of facilities within municipalities. As used herein, the term "airport facilities" shall mean those premises utilized in providing air traffic services to the public and support therefor.

Section 9. Existing Agreements. The separate agreements respecting the nonduplication of Service Lines among the affected Suppliers described below which have heretofore been entered into among certain Suppliers have been reviewed by the Legislature, determined to be in the public interest and found to be consistent with the purposes and policies set forth in this act. In areas to which the following agreements are applicable, the procedures for elimination, minimization and prevention of duplication of Service Lines among Suppliers set forth in these agreements, rather than the provisions of this act, shall govern:

1. Agreement between Cherokee Electric Cooperative (successor to Cherokee County Electric Membership Corporation) and Alabama Power Company dated June 5, 1940.
2. Agreement among the City of Bessemer, Alabama, Alabama Power Company and the Tennessee Valley Authority dated August 12, 1971.
3. Agreement between Alabama Power Company and Covington Electric Cooperative dated as of January 2, 1984 regarding Electric Service areas in Enterprise, Alabama.
4. Agreement between Alabama Power Company and Dixie Electric Cooperative dated as of January 2, 1984 regarding Electric Service areas in Montgomery and Union Springs, Alabama.
5. Agreement between Alabama Power Company and Coosa Valley Electric Cooperative dated as of January 2, 1984 regarding Electric Service areas in Lincoln, Alabama.
6. Agreement between Alabama Power Company and Pea River Electric Cooperative dated January 2, 1984 regarding Electric Service areas in Ozark, Alabama.
7. Agreement between Alabama Power Company and Tallapoosa River Electric Cooperative dated as of January 2, 1984 regarding Electric Service areas of Randolph and Tallapoosa Counties, Alabama.
8. Agreement between the City of Tarrant City, Alabama and Alabama Power Company dated June 8, 1983 regarding Electric Service areas in and around Tarrant City, Alabama.
9. Agreement among Covington Electric Cooperative, the City of Elba, Alabama and the City of Elba Water and Electric Board dated as

of January 2, 1984 regarding Electric Service in and around Elba, Alabama.

10. Agreement between Alabama Power Company and Southern Pine Electric Cooperative dated as of January 2, 1984 regarding Electric Service areas in Flomaton and Brewton, Alabama.
11. Agreement between South Alabama Electric Cooperative, Inc. and the City of Troy, Alabama dated as of October 14, 1983 regarding Electric Service in areas around Troy, Alabama.
12. Agreement between The Utilities Board of the City of Cullman and the Cullman Electric Cooperative dated November 5, 1954.

Subsequent to the effective date of this act, Suppliers shall be permitted to enter into agreements respecting the nonduplication of lines, that are consistent with the purposes and policies set forth in this act; provided, however, that no subsequent agreement shall be valid unless and until it has been reviewed and approved by the Legislature and the Legislature's approval has been evidenced by an amendment to this section of the act.

Section 10. Legal Remedies for Violation of this Act.

(a) In addition to any other remedy provided by law, any Supplier whose rights under this act shall be violated or threatened with violation, shall be entitled to injunctive relief against said violation upon proper complaint and proof in accordance with the Alabama Rules of Civil Procedure in any Circuit Court having jurisdiction in the county in which the violation is alleged to have occurred or be threatened, against the other Supplier and any other person responsible for the violation.

(b) In any action for injunctive relief brought pursuant to this act findings and conclusions by the court that any rules under this act have been violated or threatened to be violated shall require findings and conclusions by the court of actual or threatened irrevocable injury as to the Supplier whose rights are violated or threatened with violation as a basis for equitable relief hereunder.

(c) The injunctive relief to be granted under this section for violation of this act may be negative in form, enjoining further acts in violation of such rules, may be affirmative in form, requiring removal of any electric connections, facilities or equipment that constitute the violation or may be a combination thereof as may be necessary to enforce compliance with this act.

Section 11. Rights of Municipalities Not Infringed. Except as provided in this act, this act shall not abridge or affect the rights and powers granted to municipalities by law. Nothing in this act shall be construed to limit the authority of a Municipality to control the use of its streets, avenues, alleys or other public places of the Municipality. Nothing in this act shall infringe upon the police power of any Municipality.

Section 12. Effect of Any Ruling of Invalidity. The provisions of this act are not severable. The declaration in a final judgment by a court of competent jurisdiction of any part of this act invalid shall render invalid all parts which remain. Notwithstanding the declaration of the invalidity of the act, action taken by any party in conformity with the provisions of this act shall be considered lawful actions by that party; provided, however, that any Electric Service rendered which would have been illegal or unlawful or

violative of any contractual provisions absent this act shall be terminated and the affected electric facilities shall be removed following any determination of the invalidity of this act.

Section 13. Repealer. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Section 14. Effective Date. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE TABLED

On motion of Rep. Campbell, the substitute offered by Rep. Carothers to the substitute offered by Rep. Campbell to the bill, H. 114, was tabled.

Yeas 66; Nays 16.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Biddle, Blake, Blakeney, Boles, Bowling, Britnell, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Carter, Clark (J), Coleman, Cosby, Crow, Davis, Escott, Flowers, Fuller, Gaston, Gray, Grouby, Hammett, Harper, Harvey, Holley, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, Marietta, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Rains, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starr, Tanner, Thomas, Trammell, Turner, Venable and White (G).

—66

Nays:

Reps. Albright, Brooks, Butler, Carothers, Clark (D), Goodwin, Grayson, Johnson (RG), McMillan, Penry, Reed, Rice, Starkey, Warren, White (F) and White (L).

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SUBSTITUTE ADOPTED

The question was then on the substitute offered by Rep. Campbell to the bill, H. 114, and the substitute was adopted.

Yeas 63; Nays 18.

Yeas:

Reps. Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Bowling, Britnell, Bryant, Buskey (James), Buskey (John), Campbell, Clark (J), Coleman, Cosby, Crow, Davis, Escott, Flowers, Fuller, Gaston, Gray, Grayson, Grouby, Harper, Harvey, Holley, Hooper, Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Perdue, Pratt, Preuitt, Rains, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starr, Tanner, Thomas, Turner, Venable and White (G).

—63

Nays:

Mr. Speaker, Brooks, Browder, Butler, Carothers, Carter, Clark (D), Goodwin, Johnson (RG), Kvalheim, Martin, Penry, Reed, Rice, Starkey, Warren, White (F) and White (L).

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AMENDMENT OFFERED

Rep. White (F) offered the following amendment to the bill, H. 114 as amended:

On page 21, line 27, after the period, insert the following language:

Provided, however, that nothing in the agreement between Southern Pine Electric Cooperative and Alabama Power Company shall cause Southern Pine Electric Cooperative to give up any customers it is serving on the effective date of this act.

AMENDMENT TABLED

On motion of Rep. Campbell, the amendment offered by Rep. White (F) to the bill, H. 114 as amended, was tabled.

Yeas 51; Nays 27.

Yeas:

Mr. Speaker, Adams, Biddle, Blake, Box, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Carter, Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Escott, Flowers, Gaston, Gray, Hammett, Harvey, Holley, Hooper, Johnson (Roy), Junkins, Laird, Lauderdale, Marietta, Melton, Moore, Newman, Newton, Nicholson, Parker, Perdue, Pratt, Preuitt, Rains, Richardson, Rogers, Sasser, Seibels, Spratt, Starr, Thomas, Trammell, Turner, White (G) and Zoghby.

—51

Nays:

Reps. Albright, Black, Boles, Bowling, Brooks, Browder, Butler, Carothers, Clark (D), Coburn, Dutton, Faulk, Goodwin, Harper, Johnson (RG), Kvalheim, McKee, McMillan, Martin, Mathis, Mitchell, Penry, Reed, Rice, Smith, Warren and White (F).

—27

MOTION TO RECESS LOST

The motion offered by Rep. Carothers that the House stand in recess for fifteen minutes was lost.

AMENDMENT OFFERED

Rep. Penry offered the following amendment to the bill, H. 114 as amended:

Amend House Bill 114 as follows:

In the Synopsis, page 1, line 21 after the 26 and the comma, by striking 1984 and inserting in lieu thereof 1985 and on line 23 after the 1 and the comma by striking 1984 and inserting in lieu thereof 1986 and on line 28 after the 26 and the comma by striking 1984 and inserting in lieu thereof 1985 and on line 30 after the 26 and the comma by striking 1984 and inserting in lieu thereof 1985 and on line 35 after the 26 and the comma by striking 1984 and inserting in lieu thereof 1985 and on line 36 after the 1 and the comma by striking 1984 and inserting 1986 and on page 2, line 5, after the 1 and the comma by striking 1984 and inserting 1986

In the Title, page 3, line 6 after the 26 and the comma by striking ~~1984~~ and inserting in lieu thereof 1985 and on line 7 after the 1 and the comma by striking ~~1984~~ and inserting 1986 and on line 12 after the 26 and the comma by striking ~~1984~~ and inserting in lieu thereof 1985 and on line 14 after the 26 and the comma by striking ~~1984~~ and inserting in lieu thereof 1985 and on line 18 after the 26 and the comma by striking ~~1984~~ and inserting in lieu thereof 1985 and on line 19 after the 1 and the comma by striking ~~1984~~ and inserting 1986 and on line 23, after the 1 and the comma by striking ~~1984~~ and inserting 1986

In Section 1, page 5, line 28, after the 1 and the comma by striking ~~1984~~ and inserting 1986

In Section 2, page 6, line 37 after the 1 and the comma by striking ~~1984~~ and inserting 1986 and on page 7, line 5 after the 1 and the comma by striking ~~1984~~ and inserting 1986 and on line 8 after the 1 and the comma by striking ~~1984~~ and inserting 1986 and on line 14 by striking ~~1984~~ and inserting in lieu thereof 1985

In Section 3, page 8, line 24 after the 26 and the comma by striking ~~1984~~ and inserting in lieu thereof 1985 and on page 9, line 7 after the 26 and the comma by striking ~~1984~~ and inserting in lieu thereof 1985 and on page 10, line 26 after the 1 and the comma by striking ~~1984~~ and inserting 1986 and on line 37 after the 1 and the comma by striking ~~1984~~ and inserting 1986 and on page 11 line 20 after the 26 and the comma by striking ~~1984~~ and inserting in lieu thereof 1985 and on line 22, after the 1 and the comma by striking ~~1984~~ and inserting in lieu thereof 1986

In Section 4, page 15, line 25, after the 1 and the comma by striking ~~1984~~ and inserting 1986

AMENDMENT TABLED

On motion of Rep. Campbell, the amendment offered by Rep. Penry to the bill, H. 114 as amended, was tabled.

Yeas 55; Nays 24.

Yeas:

Mr. Speaker, Biddle, Blake, Boles, Box, Britnell, Bryant, Buskey (James), Buskey (John), Butler, Campbell, Cosby, Crow, Davis, Escott, Faulk, Fuller, Gaston, Gray, Grouby, Hammett, Harvey, Holley, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McKee, Melton, Moore, Newman, Newton, Nicholson, Parker, Perdue, Pratt, Rains, Richardson, Rogers, Sassser, Seibels, Smith, Spratt, Tanner, Thomas, Trammell, Turner, Turnham, Venable, White (G) and Zoghby.

—55

Nays:

Reps. Bachus, Bowling, Brooks, Browder, Carothers, Carter, Clark (D), Clark (W), Coburn, Coleman, Goodwin, Harper, Hettinger, Johnson (RG),

McMillan, Martin, Mathis, Mitchell, Penry, Reed, Rice, Warren, White (F) and White (L).

—24

AMENDMENT OFFERED

Rep. Carothers offered the following amendment to the bill, H. 114 as amended:

Amend H. B. 114 at page 11, line 28, by adding at the end of Section 3 the following new paragraph:

“(h) Notwithstanding the assignments of obligations and the grants of legislative franchise made in this section respecting areas outside existing municipal limits and within existing municipal limits to the extent the standards of this Section are made applicable to Section 4(a) (5) for provision of retail electric service, in the event that the electric supplier to whom the sole obligation for provision of retail electric service has been assigned in such area shall not, within six months from the date retail electric service to new premises is requested in such area subsequent to the effective date of this Act, obtain the consent of the municipality required under this section with respect to any construction or operation for which a municipal consent is required, the proper authorities of the municipality shall determine the electric supplier obligated to provide such service.”

And further at page 31, line 9, by adding following Section 11 (d) the following new paragraph:

“(e) The provisions of Section 3(h) hereof.”

AMENDMENT TABLED

On motion of Rep. Campbell, the amendment offered by Rep. Carothers to the bill, H. 114 as amended, was tabled.

Yeas 63; Nays 20.

Yeas:

Mr. Speaker, Adams, Biddle, Blake, Boles, Bowling, Box, Britnell, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Campbell, Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Gray, Grouby, Hammett, Harvey, Holley, Holmes, Johnson (Roy), Jenkins, Kennedy, Kvalheim, Laird, Lauderdale, McKee, McMillan, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Parker, Perdue, Pratt, Rains, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Tanner, Thomas, Trammell, Turner, Venable, White (G) and Zoghby.

—63

Nays:

Reps. Beasley, Brooks, Browder, Burke, Carothers, Clark (D), Coburn, Goodwin, Grayson, Harper, Hettinger, Johnson (RG), Martin, Mathis, Penry, Reed, Rice, Warren, White (F) and White (L).

—20

AMENDMENT OFFERED

Rep. Carothers offered the following amendment #2 to the bill, H. 114 as amended:

Amend House Bill 114, page 22, by deleting lines 31 through 37, and page 23, by deleting lines 4 and 5, and substituting therefor the following:

Subsequent to the effective date of this act, electric suppliers may enter into mutual agreements consistent with the purposes and policies set forth in this act respecting (a) the provision of retail electric service within those electric suppliers' assigned service areas, (b) the nonduplication of lines by those electric suppliers, and (c) the purchase and sale of distribution facilities between or among such electric suppliers. Any such agreement shall, following its execution, be submitted by the parties thereto to the Legislature at its then next succeeding regular session for review; at such session the Legislature may, to the extent deemed necessary by the Legislature, amend this section to mandate the implementation of the provisions of such agreements, or the Legislature may at such session by joint resolution disapprove such agreement, in which event the agreement shall from and after the effective date of such resolution have no further force and effect.

AMENDMENT TABLED

On motion of Rep. Campbell, the amendment #2 offered by Rep. Carothers to the bill, H. 114 as amended, was tabled.

Yeas 69; Nays 15.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Campbell, Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Gaston, Gray, Grouby, Hall, Hammett, Harvey, Holley, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McKee, McMillan, Melton, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Perdue, Pratt, Preuitt, Rains, Rogers, Sasser, Seibels, Smith, Spratt, Starr, Tanner, Trammell, Turner, Venable, White (G) and Zoghby.

—69

Nays:

Reps. Brooks, Browder, Burke, Carothers, Clark (D), Goodwin, Harper, Johnson (RG), Mathis, Penry, Reed, Rice, Warren, White (F) and White (L).

—15

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Kennedy, Buskey (James) and Clark (W):

H. R. 68. MOURNING THE DEATH OF IRENE L. JONES OF MOBILE, ALABAMA.

Also:

By Reps. Kennedy, Buskey (James) and Clark (W):

H. R. 69. MOURNING THE DEATH OF ALONZO YELLING OF MOBILE, ALABAMA.

H. 114 RESUMED

AMENDMENT OFFERED

Rep. Carothers offered the following amendment #3 to the bill, H. 114 as amended:

Amend H. B. 114 at page 11, line 28, by adding at the end of Section 3 the following new paragraph:

“(h) Notwithstanding the assignments of obligations and the grants of legislative franchise made in this section respecting areas outside existing municipal limits and within existing municipal limits to the extent the standards of this Section are made applicable to Section 4(a) (5) for provision of retail electric service, in the event that the electric supplier to whom the sole obligation for provision of retail electric service has been assigned in such area shall not, within six months from the date retail electric service to new premises is requested in such area subsequent to the effective date of this Act, obtain the consent of the municipality required under this section with respect to any construction or operation for which a municipal consent is required, the proper authorities of the municipality shall determine the electric supplier obligated to provide such service.

And further at page 22, by deleting lines 31 through 37, and page 23, by deleting lines 4 and 5, and substituting therefor the following:

“Subsequent to the effective date of this act, electric suppliers may enter into mutual agreements consistent with the purposes and policies set forth in this act respecting (a) the provision of retail electric service within those electric suppliers’ assigned service areas, (b) the nonduplication of lines by those electric suppliers, and (c) the purchase and sale of distribution facilities between or among such electric suppliers. Any such agreement shall, following its execution, be submitted by the parties thereto to the Legislature at its then next succeeding regular session for review; at such session the Legislature may, to the extent deemed necessary by the Legislature, amend this section to mandate the implementation of the provisions of such agreements, or the Legislature may at such session by joint resolution disapprove such agreement, in which event the agreement shall from and after the effective date of such resolution have no further force and effect.”

And further at page 31, line 9, by adding following Section 11(d) the following new paragraph:

“(e) The provisions of Section 3(h) hereof.”

AMENDMENT TABLED

On motion of Rep. Campbell, the amendment #3 offered by Rep. Carothers to the bill, H. 114 as amended, was tabled.

Yeas 60; Nays 13.

Yeas:

Reps. Adams, Albright, Biddle, Blake, Blakeney, Boles, Box, Britnell, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Campbell, Clark (J), Clark (W), Cosby, Crow, Davis, Dutton, Escott, Flowers, Gaston, Gray, Grouby, Hall, Hammett, Holley, Holmes, Hooper, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Melton, Moore, Newman, Newton, Onderdonk,

Parker, Payne, Perdue, Pratt, Preuitt, Rains, Rogers, Sasser, Seibels, Smith, Spratt, Tanner, Thomas, Trammell, Turner, Venable, White (G) and Zoghby.

—60

Nays:

Reps. Brooks, Browder, Carothers, Clark (D), Goodwin, Johnson (RG), Mathis, Penry, Reed, Rice, Warren, White (F) and White (L).

—13

AMENDMENT OFFERED

Rep. Carothers offered the following amendment #4 to the bill, H. 114 as amended:

I move to amend House Bill No. 114, page 12, line 14, by striking out after the word “than” the following:

“thirty (30) days”

and substituting therefor the following:

“nine (9) months”

AMENDMENT TABLED

On motion of Rep. Campbell, the amendment #4 offered by Rep. Carothers to the bill, H. 114 as amended, was tabled.

Yeas 65; Nays 18.

Yeas:

Mr. Speaker, Adams, Albright, Biddle, Blake, Blakeney, Box, Brakefield, Britnell, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Flowers, Ford, Fuller, Gaston, Grayson, Grouby, Hall, Hammett, Holley, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, Marietta, Melton, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Perdue, Pratt, Preuitt, Rains, Rogers, Sasser, Seibels, Spratt, Starr, Tanner, Thomas, Turner, Turnham, Venable, White (G) and Zoghby.

—65

Nays:

Reps. Brooks, Browder, Burke, Carothers, Clark (D), Goodwin, Harper, Johnson (RG), McMillan, Mathis, Penry, Reed, Rice, Smith, Starkey, Warren, White (F) and White (L).

—18

AMENDMENT OFFERED

Rep. Carothers offered the following amendment #5 to the bill, H. 114 as amended:

I move to amend House Bill No. 114, page 12, line 22, by striking out after the word “of” the following:

“one thousand (\$1,000)”

and substituting therefor the following:

“two hundred fifty (\$250)”

AMENDMENT TABLED

On motion of Rep. Campbell, the amendment #5 offered by Rep. Carothers to the bill, H. 114 as amended, was tabled.

Yeas 70; Nays 16.

Yeas:

Mr. Speaker, Adams, Bachus, Biddle, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Campbell, Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Flowers, Ford, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hammett, Holley, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, Marietta, Melton, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Perdue, Pratt, Preuitt, Rains, Rogers, Sasser, Seibels, Smith, Spratt, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, White (G) and Zoghby.

—70

Nays:

Reps. Beasley, Brooks, Browder, Carothers, Clark (D), Goodwin, Harper, Johnson (RG), McMillan, Mathis, Penry, Reed, Rice, Warren, White (F) and White (L).

—16

AMENDMENT OFFERED

Rep. Carothers offered the following amendment #6 to the bill, H. 114 as amended:

I move to amend House Bill No. 114, page 17, lines 10 and 11 by striking out after the words "equal to" at line 10 the following words:

"two and one-half times (2½) the total revenue"

and substituting therefor the following:

"one and one-half times (1½) the net revenue (i.e., gross power sales exclusive of taxes less wholesale cost of power including facilities rental charge and operation and maintenance expenses (including ad valorem and license taxes))"

AMENDMENT TABLED

On motion of Rep. Campbell, the amendment #6 offered by Rep. Carothers to the bill, H. 114 as amended, was tabled.

Yeas 62; Nays 18.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Biddle, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Clark (J), Coleman, Cosby, Crow, Davis, Dutton, Escott, Flowers, Gaston, Gray, Grouby, Hammett, Harvey, Holley, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McKee, Marietta, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Perdue, Pratt, Preuitt, Rains, Rogers, Sasser, Seibels, Spratt, Starr, Tanner, Trammell, Turner, Venable, White (G) and Zoghby.

—62

Nays:

Reps. Beasley, Brooks, Browder, Burke, Carothers, Clark (D), Goodwin, Johnson (RG), McDowell, McMillan, Mathis, Penry, Reed, Rice, Smith, Warren, White (F) and White (L).

—18

AMENDMENT OFFERED

Rep. Carothers offered the following amendment #7 to the bill, H. 114 as amended:

Amend House Bill 114 beginning at page 24, line 25 and ending at page 29, line 35 by deleting Section 9 in its entirety and renumbering the following sections accordingly.

AMENDMENT TABLED

On motion of Rep. Campbell, the amendment #7 offered by Rep. Carothers to the bill, H. 114 as amended, was tabled.

Yeas 57; Nays 16.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Blake, Boles, Box, Brakefield, Britnell, Bryant, Bugg, Buskey (John), Campbell, Clark (J), Coleman, Cosby, Crow, Davis, Dutton, Escott, Ford, Gaston, Gray, Grayson, Hammett, Holley, Hooper, Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McKee, Marietta, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Perdue, Pratt, Rains, Rogers, Sasser, Seibels, Spratt, Starr, Tanner, Trammell, Turner, Venable, White (G) and Zoghby.

—57

Nays:

Reps. Brooks, Browder, Burke, Carothers, Clark (D), Goodwin, Johnson (RG), McMillan, Mathis, Penry, Reed, Rice, Turnham, Warren, White (F) and White (L).

—16

AMENDMENT OFFERED

Rep. Carothers offered the following amendment #8 to the bill, H. 114 as amended:

Amend H. B. 114 at page 10, lines 11 through 15 by deleting paragraph (c) in its entirety and renumbering the remaining paragraphs accordingly.

AMENDMENT TABLED

On motion of Rep. Campbell, the amendment #8 offered by Rep. Carothers to the bill, H. 114 as amended, was tabled.

Yeas 61; Nays 18.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Boles, Box, Brakefield, Britnell, Bryant, Buskey (John), Butler, Campbell, Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Gray, Hammett, Holley, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird,

Lauderdale, Lindsey, McKee, Marietta, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Perdue, Pratt, Preuitt, Rains, Rogers, Sasser, Seibels, Smith, Spratt, Starr, Tanner, Trammell, Turner, Venable, White (G) and Zoghby.

—61

Nays:

Reps. Brooks, Browder, Burke, Carothers, Clark (D), Goodwin, Harper, Hettinger, Johnson (RG), McDowell, McMillan, Mathis, Penry, Reed, Rice, Warren, White (F) and White (L).

—18

AMENDMENT OFFERED

Rep. Carothers offered the following amendment #9 to the bill, H. 114 as amended:

Amend House Bill 114 at page 1, line 23 by deleting after "January 1," the following:

"1984"

and substituting therefor the following:

"1985"

and further on page 1, line 36 by deleting after "January 1," the following:

"1984"

and substituting therefor the following:

"1985"

and further on page 2, line 5 by deleting after "January 1," the following:

"1984"

and substituting therefor the following:

"1985"

and further on page 3, line 7 by deleting after "January 1," the following:

"1984"

and substituting therefor the following:

"1985"

and further on page 3, line 19 by deleting after "January 1," the following:

"1984"

and substituting therefor the following:

"1985"

and further on page 3, line 23 by deleting after "January 1," the following:

"1984"

and substituting therefor the following:

"1985"

and further on page 5, line 28 by deleting after "January 1," the following:
"1984"

and substituting therefor the following:

"1985"

and further on page 6, line 37 by deleting after "January 1," the following:
"1984"

and substituting therefor the following:

"1985"

and further on page 7, line 5 by deleting after "January 1," the following:
"1984"

and substituting therefor the following:

"1985"

and further on page 7, line 8 by deleting after "January 1," the following:
"1984"

and substituting therefor the following:

"1985"

and further on page 10, line 26 by deleting after "January 1," the following:

"1984"

and substituting therefor the following:

"1985"

and further on page 10, line 37 by deleting after "January 1," the following:

"1984"

and substituting therefor the following:

"1985"

and further on page 11, line 22 by deleting after "January 1," the following:

"1984"

and substituting therefor the following:

"1985"

AMENDMENT TABLED

On motion of Rep. Campbell, the amendment #9 offered by Rep. Carothers to the bill, H. 114 as amended, was tabled.

Yeas 55; Nays 14.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Blake, Boles, Box, Britnell, Bryant, Buskey (James), Buskey (John), Butler, Campbell, Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Flowers, Ford, Gaston, Gray, Hammett, Holley, Johnson (Roy), Junkins, Kennedy, Laird, Lindsey, McKee, Marietta, Moore, Newman, Newton, Nicholson, Payne, Perdue, Pratt, Preuitt, Rains, Rogers, Sasser, Seibels, Smith, Spratt, Tanner, Trammell, Turner, Turnham, Venable, White (G) and Zoghby.

—55

Nays:

Reps. Brooks, Browder, Carothers, Clark (D), Goodwin, Johnson (RG), McMillan, Mathis, Penry, Reed, Rice, Warren, White (F) and White (L).

—14

And the bill, H. 114 as thus amended, was read a third time at length and ordered sent to the Senate without engrossment.

Yeas 79; Nays 17.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Flowers, Ford, Fuller, Gaston, Gray, Grouby, Hall, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Perdue, Pratt, Preuitt, Rains, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, White (G) and Zoghby.

—79

Nays:

Reps. Brooks, Browder, Burke, Carothers, Clark (D), Goodwin, Hettinger, Johnson (RG), McDowell, Martin, Mathis, Penry, Reed, Starkey, Warren, White (F) and White (L).

—17

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 339. To authorize and make provision for the incorporation in the City of Auburn of The Auburn Downtown Redevelopment Authority for the purpose of promoting trade and commerce by including commercial enterprises to upgrade, improve, modernize, and expand existing facilities and to locate new facilities in the central business district of Auburn; to define the area of such central business district; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of such Authority, its board of directors, and its

officers; to authorize such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith whether or not now existing, suitable for use by any commercial enterprise provided that such property shall be located wholly within the Downtown Development Area herein defined; to authorize any such Authority to lease such property to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest bearing revenue bonds and other interest bearing securities payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to authorize the Authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state or local governments or allow them to use facilities or services of the Authority; to make loans to persons or entities for the costs of a project on such security and with such terms and conditions as the Authority deems appropriate; to provide for the employment by any such Authority of such officers, employees, contractors, consultants and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to require payments in lieu of taxes to be made by the Authority or the City; to receive the proceeds of municipal taxes levied for the Authority's purposes; to promote revitalization of the Downtown Development Area and make plans and proposals therefor; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments of various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state except for state ad valorem taxes; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, except for state sales and use taxes, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt

every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; and to authorize political subdivisions, agencies, instrumentalities and public corporations of the state to aid the Authority with loans or grants of money, the furnishing of services or the transfer of property to the Authority without any public election; and to require the treasurer to obtain a fidelity bond equal to the amount of any public funds held by the Authority.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 544. (With Substitute) (With Amendment): This Act provides for the development and establishment of an incentive-based pay plan for the teachers of the public schools of Alabama; provides career incentives for public school teachers; initiates a program of performance appraisal; and establishes salary progressions for education personnel.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 137. (With Substitute): Relating to motor vehicles; requiring as a condition of registration that every person applying for the registration or licensing of a motor vehicle shall secure and pay the premium on a motor vehicle liability insurance policy issued by an insurance company authorized to transact business within the State of Alabama, or otherwise establish financial responsibility, and to facilitate the procuring of such insurance to provide for an assigned risk plan among insurance companies for the equitable apportionment among such companies of undesirable risks.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and

ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 498. To require boards of education to defend certain school employees in cases where civil action is brought against them for acts committed in the performance of their duties.

H. 400. To amend Section 12-15-34, Code of Alabama 1975, so as to provide that a child 14 or more years of age may be transferred by the juvenile court for criminal prosecution as an adult for any crime; to provide that the finding of probable cause at the transfer hearing in the juvenile court shall preclude a further probable cause hearing in the criminal court; to provide that the criminal court may exercise any authority over the child, once transferred, that is otherwise applicable to adult offenders; to provide that transfer to the criminal court and conviction therein terminates jurisdiction of the juvenile court over such child with respect to any pending or subsequent criminal acts; and, to provide an effective date.

H. 359. To amend section 32-8-2 of the Code of Alabama 1975, relating to the Uniform Certificate of Title and Antitheft Act, so as to redefine and clarify the definition of "owner".

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 358. (With Substitute): To amend Section 9-13-11, Code of Alabama 1975, which relates to the willful and malicious burning of woodlands, so as to provide further for the definition of paraphernalia used in arson.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 47. To amend Section 15-10-3, Code of Alabama 1975, relating to arrest without a warrant, so as to provide that an officer may arrest for a misdemeanor or a felony offense when he has reasonable grounds to believe that a warrant for the person's arrest has been issued in this state.

H. 513. To amend Section 44-1-38 Code of Alabama 1975, relating to the maintenance of certain records of youth by the department of youth services so as to permit the destruction of such records.

H. 512. Relating to facilities to be used for detention of shelter care of children by courts; amending section 12-15-61, Code of Alabama 1975, so as to provide for a statewide system of regional detention centers for children as needed by the juvenile courts and to provide sufficient funds to subsidize the detention of children in such regional detention facilities.

H. 511. To provide additional remedies to the Interstate Compact on Juveniles by permitting a state in which a juvenile is charged with being delinquent by reason of violating any criminal law to requisition said juvenile from another state.

H. 565. Providing for the creation and establishment of the Alabama Child Abuse Reporting Advisory Board; providing for membership and duties of such board; and providing for compliance by the department of pensions and security with certain provisions of this act.

H. 560. To amend section 15-4-2, Code of Alabama 1975, relating to certain duties of the coroner, so as to require the coroner to positively identify certain dead persons.

H. 553. To provide that the sale or possession of a throwing star shall be a criminal offense; and to provide for penalties for violations.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 476. (With Amendment): To provide for the "Alabama Safety Belt Use Act of 1985;" to require front seat occupants of passenger cars to wear safety belts; to exempt certain persons from the provisions of this act; and to prescribe a penalty for violation of the provisions of the act.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 467. To amend Section 35-10-8, Code of Alabama 1975, relating to how notices of mortgage foreclosure sales are made, so as to provide how the notice of sale is made when there is no newspaper published in the county.

H. 120. To amend Section 10-3A-2(8) of the Code of Alabama 1975, which section relates to the Alabama Nonprofit Corporation Act, so as to amend the definition of members to include a domestic or foreign nonprofit corporation.

H. 121. To prohibit the deliberate falsification of certain school records and to establish penalties upon conviction.

H. 308. To amend Section 35-4-6, Code of Alabama 1975, which provides for recordation of leasehold estates for more than 20 years, so as to provide further for the recordation of said leases.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 226. To amend Section 2 of Act No. 82-620, S. 109, Regular Session 1982, now appearing as Section 40-6A-2, Code of Alabama 1975, which is related to the compensation of the tax assessors, tax collectors, revenue commissioners, license commissioners or other persons charged with assessing and collecting ad valorem taxes in the various counties of this State so as to provide further for the method of payment of salaries established in said Act and to provide an effective date.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 500. (With Substitute): To propose an amendment to the Constitution of Alabama of 1901 to provide for the compensation of members of the legislature.

The above bill was read a second time at length as required by the Constitution.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 563. To provide authority for the Department of Corrections to contract or enter into agreements with private industry so as to establish effective, work oriented rehabilitation programs in an actual private enterprise work environment.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 284. To establish the "Alabama Youth Educational Guidance and Suicide Prevention Act," to prescribe that the department of education, the rehabilitation and crippled children's service of said department, and the department of mental health shall administer the provisions of this act; to prescribe that the said departments, various law enforcement agencies, local community agencies, department of youth services, the department of mental health and local task forces and local school boards of education shall cooperate in providing a student services program and in the identification, intervention and prevention of youth suicide, including guidance and psychological services; to provide for certain training for holders of all classes of teachers' certificates whether provisional or otherwise; to provide for public awareness education; and to provide further for a student curriculum to include related training or courses in emotional guidance and suicide prevention.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 62. (With Amendment): Requiring credit reporting businesses in this state to furnish individuals a copy of their personal credit reports when such information is requested subject to certain conditions and prescribing penalty for failure to furnish such information.

Rep. Grayson, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 203. To amend Sections 16-25-1 and 16-25-19, Code of Alabama, 1975, so as to expand the board of control of the Teachers' Retirement System from 11 to 13 members and to specify that such additional members shall be from the ranks of educational support personnel and defines the term "support personnel."

H. 278. To provide that any local city or county board of education be allowed to shorten the minimum number or school days up to a maximum of five days because schools were closed due to a natural disaster and to provide that no school shall lose any funds and that no teachers or employees shall lose any pay due to the provisions of this Act.

Rep. Grayson, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 312. (With Substitute): To establish certain regulations pertaining to educational personnel records.

H. 330. (With Substitute): To repeal Sections 16-10-1, 16-10-2, 16-10-3, 16-10-4, 16-10-5, 16-10-7, 16-10-8, 16-10-9, 16-10-10, and 16-10-11, Code of Alabama, 1975, pertaining to county school trustees.

Rep. Smith, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 523. Relating to the licensing of persons engaged in the business of dealing in exotic or pet birds; to define terms; to require licensing; to provide for seizure and destruction of diseased or exposed birds; to provide for regulation of the transfer of birds to include the keeping of records; to provide for promulgation of regulations, and the denial or revocation of licenses; to provide for hearings before the Commissioner of Agriculture and Industries and the Board of Agriculture and Industries and quasi judicial authority of the Commissioner and the Board for all hearings and orders; to provide criminal penalties and injunctive relief.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 536. To amend Section 9-15-38, Code of Alabama 1975, relating to the sales of timber or minerals from school or swamp and overflowed lands, so as to remove the \$500.00 limit on the negotiated sale of damaged, diseased, or right-of-way timber; and to further provide for the negotiated sale of all other timber, the value of which does not exceed \$2,000.00.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 551. (With Amendment): To provide for a state archery hunting license or stamp; to provide for the costs and fees relating thereto, and distribution thereof; to prohibit hunting with a long bow or compound bow without said license or stamp; to provide criminal penalties for the violation of this act.

Rep. Goodwin, Chairman of the Standing Committee on Public Utilities and Transportation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 270. (With Amendment): Authorizing public utilities to terminate their services without certain obligation to reconnect when a subscriber is delinquent in paying a bill for such service.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 122. To amend Section 36-19-3, Code of Alabama 1975, by deleting therefrom chiefs of police, marshals and mayors and providing that persons deemed assistants to the fire marshal may become subject to the duties and obligations imposed by Chapter 19 of Title 36, Code of Alabama 1975, and subject to the direction of the fire marshall in the execution of the provisions of said Chapter.

H. 376. To validate, in certain cases, attempted incorporations heretofore held by municipalities.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 537. Relating to Russell County; to establish a Motor Vehicle License Division to process motor vehicle title and license applications, transfers and renewals; to provide for assessment and collection of motor vehicle ad valorem taxes; to provide for authority to collect and remit license fees, taxes and monies due to the State of Alabama and the county; to provide for the optional mail order processing of license renewals and issuance with accompanying mail fees; to provide for the collection of sales taxes on used motor vehicles sold by non-dealers; to provide for the requirement of proof of payment of any federal highway use taxes due before issuing licenses; to provide for the appointment of a Motor Vehicle License Commissioner by the county governing body in charge of said Motor Vehicle License Division with administrative authority over said division; to require said commissioner to obtain an adequate bond; and to provide for transferring all of the duties, responsibilities and enforcement of motor vehicle licensing, ad valorem tax assessment and collection as well as enforcement otherwise under authority of the Probate Judge, Tax Assessor, Tax Collector and License Inspector, to the Motor Vehicle License Division and said License Commissioner.

H. 538. To provide for the filing for record and the preservation of all orders and judgments made and entered by any judge of the circuit court of the 26th Judicial Circuit of Alabama.

H. 539. Authorizing and empowering the Russell County Commission to raise additional revenue by levying in those parts of the county outside the corporate limits of the cities of Hurtsboro and Phenix City special county privilege license and excise taxes paralleling, at lower rates, state sales and use taxes as provided for in Chapter 23 of Title 40 of the Code of Alabama 1975; providing for the ascertainment, collection, payment, distribution and use of the proceeds of such license tax, and for the enforcement of the act by the state department of revenue; and prescribing penalties and fixing punishment for violations.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 540. (With Amendment): Relating to Russell County; authorizing the county commission to levy an additional sales tax paralleling the state

sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, as amended, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and providing for the termination of this act.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 541. Relating to Russell County; abolishing the office of constable; and providing an effective date.

H. 546. To provide for the filing for record and the preservation of all orders and judgments made and entered by any judge of the circuit court of the 20th Judicial Circuit of Alabama, and to provide that such judgments or orders shall have the same force and effect as minutes of the circuit court of said circuit prior to the passage and approval of this act.

H. 547. Relating to the 20th Judicial Circuit of Alabama; to provide that if a defendant in a criminal case enters a written plea of not guilty prior to his arraignment such plea shall constitute waiver of his right to have an arraignment at which he is present in person or represented by an attorney.

H. 549. Relating to Henry County; providing further for the salary of the county superintendent of education and providing for an effective date.

H. 556. To alter or rearrange the boundary lines of the City of Geneva, Geneva County, Alabama, so as to include within the corporate limits of said City, all territory now within such corporate limits and also certain other territory contiguous thereto, in Geneva County, Alabama.

S. 264. Relating to Jackson County; providing that it shall be unlawful for anyone to willfully throw or cast headlights or any rays of artificial light from any motor vehicle in any field, woodland or forest in an attempt to locate deer or any other wildlife with the exception of farmer's who may do so while checking livestock on owned, leased or rented land; and providing for penalties.

PERMISSION GRANTED

Permission was granted for the Journal to Show Rep. Faulk voting "Yea" on the bill, H. 114.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Dixon and Langford:

S. J. R. 29. COMMENDING LIEUTENANT WILLARD M. PIL-GREEN OF MONTGOMERY, ALABAMA, VETERAN LAW ENFORCE-MENT OFFICER.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 29, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Parson:

S. J. R. 35. EXPRESSING LEGISLATIVE INTENT REGARDING THE TERRITORIAL BILL RELATING TO THE SALE OF ALCOHOLIC BEVERAGES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the legislative intent in enacting Section 28-8-8, Code of Alabama 1975, was to provide that it shall be unlawful for any wholesaler to sell to a retail licensee any brand of alcoholic beverages in the State of Alabama, except in, and for retail sale at the retailer's place of business in, the sales territory designated by the manufacturer or importer licensee and set forth in a written territorial agreement authorizing the sale of such wholesaler licensee of that brand within a designated territory (except in the case of temporary service interruptions); and for any licensed retailer to purchase any brand of alcoholic beverages from any wholesaler which has not been designated by the licensed manufacturer or importer thereof as the wholesaler for such brand for the sales territory within which is located the retailer's place of business where such purchased alcoholic beverages are to be sold at retail by the retailer to the consumer, or to purchase or acquire alcoholic beverages from another retail licensee or another licensed premises of the same retailer.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Alabama Alcoholic Beverage Control Board.

BE IT FURTHER RESOLVED, That the Alabama Alcoholic Beverage Control Board is ordered to carry out the legislative intent in the enforcement of said statutes.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 35, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 36. RELATIVE TO MEETING DAYS OF THE LEGISLATURE.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the House non-concurred in the Senate amendment to the resolution, H. J. R. 36, and requested a Committee on Conference be appointed to reconcile the disagreement of the two Houses on the Senate amendment, said Senate amendment being as follows:

BE IT RESOLVED by the Legislature of Alabama, both Houses thereof concurring, that when we adjourn today, Thursday, February 14, we adjourn to meet again on Wednesday, February 20; when we adjourn on Wednesday, February 20, we adjourn to meet again on Thursday, February 21; when we adjourn on Thursday, February 21, we adjourn to meet again on Tuesday, February 26; when we adjourn on Tuesday, February 26, we adjourn to meet again on Thursday, February 28.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House Reps. Holley, Clark (J) and Johnson (Roy).

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and sends same herewith to the House:

By Senator Langford:

S. 67. To further provide for the sick leave benefits of state employees employed on a wage and hourly basis.

Also:

By Senators Bishop, Cooley, Teague, Foshee, Goodwin and Mitchem:

S. 111. To amend Section 11-3-4.1, Code of Alabama, 1975, as amended, which relates to commissioners' minimum compensation so as to further provide for such compensation.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate were severally read one time and referred to appropriate Standing Committees as follows:

S. 67.

Ways and Means.

S. 111.

State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Smith (J):

S. 54. To amend Section 15-22-27, Code of Alabama 1975, to provide that an inmate whose death sentence was imposed under a statute providing life imprisonment without parole shall serve a sentence of life imprisonment without parole if his death sentence is so commuted by the Governor.

Also:

By Senator Smith (J):

S. 55. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said minimum term; and to amend Section 15-22-50, Code of Alabama 1975, which imposes a maximum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said maximum term.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 54.	Judiciary.
S. 55.	Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Little:

S. 152. To amend Sections 40-18-14(1) and 40-18-15(a)(18) to change the definition of alimony and to add provisions to sections 40-18-8 and 40-18-6 Code of Alabama deferring the recognition of gain on the transfers of property incident to a divorce and adjusting the basis of such property to reflect such deferral.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 152.	Judiciary.
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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and sends same herewith to the House:

By Senator Parsons (With Notice and Proof):

S. 131. To supplement the salaries of the District Judges of the Tenth Judicial Circuit.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 131 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Figures (With Notice and Proof):

S. 262. Relating to Mobile County; prescribing procedure for filling certain vacancies on the county commission.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 262 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 131. Local Legislation No. 2.

S. 262. Local Legislation No. 3.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and sends same herewith to the House:

By Senators Smith J. and Langford:

S. 215. To further provide for payroll deductions for state employees.

By Senators Goodwin, Covington, Teague, Corbett, Bishop, Menton, Little, Bennett, Hand, and Strong:

S. 89. To provide that registration and polling places for state elections be accessible to handicapped and elderly individuals.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

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| S. 215. | State Administration. |
| S. 89. | Constitution and Elections. |

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senators Drinkard, Menton, Bedford, Teague, deGraffenried, Hand, Bedsole, Holmes, Goodwin, Denton, Little, Langford, and Dixon:

S. 191. To make appropriations to the Coosa Valley Development Authority, from the general fund of the state treasury, and authorizes the legislature to reimburse the said general fund from the Public Road and Bridge Fund those expenditures for lawful highway department functions, as it deems necessary, for the current fiscal year and from year to year thereafter, for the duration of the Coosa River Navigation Project, for purposes of capital outlay and capital improvements pursuant to the River and Harbor Act of March 2, 1945, P. L. 14, 79th Congress, 1st Session (59 Stat. 10) modified and defined by plans submitted in House Document No. 320, 86th Congress, 2nd Session and by other provisions of federal law; to prescribe a cap on the total aggregate appropriations; to specifically provide that such appropriations shall be only in the event the United States Congress makes the federal appropriations; to provide that any excess funds at the completion of the said project shall revert to the Public Road and Bridge Fund and to the general fund on a proportionate basis as each bears to the whole of the original appropriations in the aggregate; to provide that the appropriations shall be from the first funds of the said public road and bridge fund and the general fund; to authorize the Coosa Valley Development Authority to contract with the Alabama Highway Department to implement the provisions of this act and certain construction on said project.

Also:

By Senator Teague:

S. 130. To amend Section 29-7-4, Code of Alabama 1975, relating to the compensation and employment of personnel by the Legislative Reference Service, so as to further provide for the hiring of said personnel.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

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| S. 191. | Ways and Means. |
| S. 130. | Judiciary. |

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Langford:

S. 68. To amend Section 41-16-50 and Section 41-16-57, Code of Alabama 1975, relating to the expenditure of public funds for leases and related to the expenditure of public funds awarding lease purchase contracts; to establish an effective date.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 68.

State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Figures (With Notice and Proof):

S. 272. Relating to Mobile County; to prohibit the distribution of campaign literature or other campaign materials within certain distance of polling places on any election day.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, SB 272 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 272.

Local Legislation No. 3.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Little:

S. 168. To amend Sections 16-25-14 and 36-27-16, Code of Alabama, 1975, relating to teachers' and employees' retirement systems, so as to provide for the choice between a lump sum death benefit and a monthly survivor allowance on account of the death of a member of the teachers' or employees' retirement system who is eligible for service retirement at the time of the death of said member.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 168.

Ways and Means.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Campbell:

H. 567. To further regulate and control alcoholic beverage transactions in wet counties and municipalities in Alabama under the control and supervision of the alcoholic beverage control board; to provide uniform definitions applicable to Chapter 3, Title 28, Code of Alabama 1975, and to the Alcoholic Beverage Licensing Code, being Act No. 80-529, Acts of Alabama 1980, as amended, appearing as Chapter 3A, Title 28, Code of Alabama 1975, as amended, and to the Alabama Table Wine Act, being Act 80-382, Acts of Alabama 1980, as amended, appearing as Chapter 7, Title 28, Code of Alabama 1975, as amended; and to repeal all laws or parts of laws in conflict herewith.

Committee on Judiciary.

By Rep. Campbell:

H. 568. To amend Section 70 of the Alabama Business Corporation Act (Acts 1980, No. 80-633), now §10-2A-111, Code of Alabama 1975, relating to procedure to amend articles of incorporation of Alabama business corporations.

Committee on Judiciary.

By Rep. Richardson:

H. 569. To amend Section 41-9-708, Code of Alabama 1975, relating to the Alabama Indian Affairs Commission, so as to give the Native Americans of Jackson County representation on said commission.

Committee on State Administration.

By Rep. Nicholson (With Notice and Proof):

H. 570. Relating to Walker County, to amend Act 1067, S. 938 of the 1973 Regular Session (Acts 1973, p. 1802) as amended relating to the county

commission, so as to delete the requirement of certain additional meetings in each district of Walker County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 570, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Nicholson (With Notice and Proof):

H. 571. Relating to Walker County; providing a monthly expense allowance for each member of the Walker County Commission; and providing that such monthly expense allowance shall be the total expense allowance and shall be paid from the county general fund.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 571, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Nicholson (With Notice and Proof):

H. 572. Relating to Walker County; to provide that the county governing body may provide clerk-hire allowances to county offices and county officers and to repeal certain conflicting laws.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 572, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Nicholson (With Notice and Proof):

H. 573. To provide for an additional expense allowance for the sheriff of Walker County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 573, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Blake (With Notice and Proof):

H. 574. Relating to St. Clair County; providing that the probate judge will be the chairman of the county commission and providing for a referendum.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 574, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Johnson (Roy):

H. 575. To amend Sections 40-23-101 and 40-23-108 of the Code of Alabama 1975, relating to the levy and collection of sales taxes on the sale of any automotive vehicle, truck trailer, semitrailer or house trailer required to be registered or licensed with the judge of probate or other licensing authority of any county in this state and purchased other than at wholesale in this state from any person, firm or corporation not a licensed dealer engaged in selling automotive vehicles, truck trailers, semitrailers or house trailers within this state, so as to add municipal and county taxes to its requirements and the collection therefor.

Committee on Ways and Means.

By Rep. Nicholson:

H. 576. Relating to The Alabama Surface Mining Control and Reclamation Act of 1981; to amend Sections 9-16-77, 9-16-78, 9-16-87, 9-16-94 and 9-16-99 of Article 3 of Chapter 16 of Title 9 of the Code of Alabama 1975, so as to give the division of hearings and appeals the power to punish for contempt; to require coal exploration permits before certain operations are conducted; to make all coal exploration operations subject to the enforcement provisions of this Article 3; to remove the requirement for written approval for certain coal exploration operations; to provide that under certain circumstances engaging in surface mining operations without a license and/or permit shall constitute a felony; and to remove an exemption from the applicability of this Article 3 where coal is extracted incidental to the extraction of other minerals.

Committee on Health.

By Reps. Rice, Sasser, White (L), Laird, Lauderdale, Dutton, Carter, and Smith:

H. 577. To establish and create a licensing board to be known as the Alabama board of electrical contractors for the purpose of testing and licensing electrical contractors; to provide for the appointment of such members and of members of an appeal board; to authorize such board to carry out the purpose of this act; to appropriate funds for such board and to prescribe penalty for violation of this act.

Committee on Ways and Means.

By Rep. Dutton:

H. 578. To amend Section 11-20-36, Code of Alabama, 1975, relating to the qualifications of directors of industrial development boards, so as to allow an officer or employee of a county other than a judge of probate, to serve as a director.

Committee on Local Government.

By Rep. Dutton (With Notice and Proof):

H. 579. Relating to Lawrence County; providing further for the compensation of election officials.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 579, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Dutton (With Notice and Proof):

H. 580. Relating to Lawrence County; providing certain additional compensation for the members of the board of registrars to be paid from the county general fund.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 580, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Dutton (With Notice and Proof):

H. 581. Relating to Lawrence County, to amend Act 79-86, H. 50, 1979 Regular Session (Acts of 1979, p. 110), so as to grant exclusive control of the pistol permit fee fund to the sheriff.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 581, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Dutton (With Notice and Proof):

H. 582. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of North Courtland in Lawrence County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 582, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Faulk and Martin:

H. 583. To amend section 11-50-1.1, Code of Alabama 1975, which prohibits municipalities from acquiring or duplicating services of certain waterworks systems, so as to also prohibit public corporations or entities created or operating pursuant to sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and chapter 50 of Title 11, Code of Alabama 1975, generally, from so acquiring or duplicating such services.

Committee on Local Government.

By Rep. Cosby:

H. 584. To amend Section 27-3-27, Code of Alabama 1975, relating to licensing of insurance agents, solicitors or brokers of insurance by insurers,

so as to establish requirements and standards for continuing education programs for such persons in Alabama; and to provide certain exceptions.

Committee on Insurance.

By Rep. Sasser:

H. 585. To further amend Section 17-4-156 of the Code of Alabama 1975, as last amended, relating to sessions of boards of registrars and working days for such boards, so as to provide further for the meeting dates for Dale County Board of Registrars.

Committee on Local Government.

By Reps. Penry, Grouby, Harper, Kvalheim, Onderdonk, Starr, White (F), Warren, Zoghby, Turner, Johnson (RG), Bowling, Coleman, Sasser, Carter, Johnson (Roy), Faulk, and McMillan:

H. 586. To amend Sections 41-9-660, 41-9-661 and 41-9-664, Code of Alabama 1975, relating to the Foreign Trade and Relation Commission, so as to change the name and the composition of the commission.

Committee on State Administration.

By Rep. Marietta:

H. 587. Relating to all civil actions in tort, contract or otherwise against builders, who construct an improvement on or to real property designed by and constructed under the supervision, administration or observation of an architect or engineer, arising out of any defect or deficiency in the construction of an improvement on or to real property; to provide a definite statute of limitations of three years after a cause of action accrues or arises in all such actions; to provide a bar to relief for all causes of action and to all rights of action which accrue more than seven years after the substantial completion of construction, or construction of an improvement on or to the real property; to provide when a cause of action accrues or arises; to provide that this Act applies to causes of action which have accrued prior to its effective date; to provide that this Act does not create any cause of action; to define terms; and to repeal all conflicting laws.

Committee on Judiciary.

By Reps. Beers, White (G), Payne, Gray, Pratt, Bachus, Butler, and Hooper:

H. 588. To establish a formula for increasing salaries for certain educational personnel.

Committee on Ways and Means.

By Rep. Johnson (Roy):

H. 589. To amend Code of Alabama 1975, § 13A-5-40(a)(5) to provide that murder of a law enforcement officer or prison or jail guard on duty is a capital offense regardless of whether the defendant knew or should have known that the victim was an officer or guard on duty; to state the need for such an amendment; to provide for severability; to provide an effective date.

Committee on Judiciary.

By Reps. Holley, Coburn, and Johnson (Roy):

H. 590. To create the Water Pollution Control Grant Fund and authorize the Alabama Department of Environmental Management to make grants to any county, municipality or public corporation, agency or instrumentality, from such fund for the purpose of constructing sewage treatment facilities and to adopt rules and regulations to carry out the provisions of this Act.

Committee on Ways and Means.

By Rep. Cosby:

H. 591. To amend § 13A-6-3 of the Code of Alabama, 1975, to provide that manslaughter is a Class B felony.

Committee on Judiciary.

By Rep. Cosby:

H. 592. This bill amends §15-5-8, Code of Alabama, 1975, to allow search warrants to be executed at night after a showing of reasonable cause and defines the word "daytime".

Committee on Judiciary.

By Rep. Cosby:

H. 593. To amend Section 32-6-61 of the Code of Alabama 1975, relating to the staggered system for licensing and registering motor vehicles, so as to provide further for licensing and registering mobile homes under such system.

Committee on State Administration.

By Reps. White (L), Cosby, and Flowers:

H. 594. To amend Section 27-2-30, subsection (a), Code of Alabama 1975, which relates to the conduct of hearings before the department of insurance, so as to authorize certain qualified and experienced persons who are designated by the insurance department commissioner to preside over such hearings.

Committee on Insurance.

By Rep. Cosby:

H. 595. To exempt The Dallas Fair Association and/or the Central Alabama Fair from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Rep. Cosby:

H. 596. To exempt Valley Grande Community Center in Dallas County, Alabama, from the payment of all state, county and municipal ad valorem, sales and use taxes.

Committee on Ways and Means.

By Rep. Cosby:

H. 597. To exempt from all state, county, and local ad valorem taxes all property owned and used by the Martin-Carver School Association.

Committee on Ways and Means.

By Rep. Cosby:

H. 598. To provide that all joint resolutions of condolence, designation, commendation, congratulation, setting legislative meeting days or those which are frivolous in nature, enacted by the legislature of Alabama shall not be printed and bound in the Acts of Alabama, and to repeal certain conflicting code provisions.

Committee on State Administration.

By Reps. Perdue, Newton, Davis, Spratt, Pratt, Escott, and Rogers (With Notice and Proof):

H. 599. Relating to Jefferson County; to provide further for the salary of the sheriff commencing with the next term of office.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 599, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Turnham and Cosby:

H. 600. To create the Alabama Manufactured Housing Commission; to express legislative intent to relieve the fire marshal division of the insurance department of certain duties; to provide for the functions, duties, powers, membership, compensation, terms of office, meetings and other business of the commission; to create a special revolving fund for the commission; to authorize the commission to promulgate rules and regulations and to enter contracts and perform specific duties relative to the standards for the construction of manufactured housing and buildings; and to provide that the functions, powers, authority and duties provided by law, specifically but not limited to Sections 24-5-1 through 24-5-14, 25-5-30 through 25-5-34; 24-4A-1 through 24-4A-7 and Title 24, Chapter 4N, Title 36, Chapter 19N and Title 41, Chapter 9, Article 8, all of the Code of Alabama 1975, and all books, records, supplies and those remaining funds collected since October 1, 1984, which have not been expended since that date, pursuant to and under the authority of the aforesaid acts through legislative budgetary appropriation and otherwise, and pertaining to such housing, including all equipment, personal property, documents, files and personnel of the fire marshal's division subject to and authorized by said code sections, articles and chapters and relating thereto shall be transferred to the Alabama Manufactured Housing Commission.

Committee on Insurance.

By Rep. Venable:

H. 601. Relating to elections, to consolidate all Alabama laws relating to elections in to a single title of the Code of Alabama.

Committee on Ways and Means.

By Rep. Harvey:

H. 602. Relating to additional expenses of the Alabama Forestry Commission; to make a supplemental appropriation to the Alabama Forestry Commission for the fiscal year ending September 30, 1986, for salaries, operating expenses and equipment purchases of the Commission.

Committee on Ways and Means.

By Rep. Davis:

H. 603. To amend Section 41-9-708, Code of Alabama 1975, relating to the Alabama Indian Affairs Commission, so as to give the Ma-Chis Lower Creek Indian Tribe representation on said commission.

Committee on State Administration.

By Rep. Flowers:

H. 604. To amend Section 17-4-156, Code of Alabama 1975, relating to the meeting days of the boards of registrars, so as to increase Pike County's Board of registrars meeting days.

Committee on Local Government.

By Rep. Boles:

H. 605. To provide for the reopening of the Employees' Retirement System of Alabama to those municipal officers and employees who are members of the Employees' Retirement System of Alabama on June 1, 1984, and who have prior employment with other municipalities for which they are ineligible to gain credit.

Committee on Ways and Means.

By Rep. Blake:

H. 606. To amend Section 37-3-4, Code of Alabama 1975, relating to the exemption of certain motor vehicle carriers from regulation by the Public Service Commission, so as to include wrecker services within the exemptions.

Committee on State Administration.

By Rep. Blake:

H. 607. Providing for non-profit organizations in the state to purchase goods and services through the purchases and stores division of the department of finance, upon request, and purchase products and services offered by the correctional industries division of the department of corrections.

Committee on State Administration.

By Rep. Rogers:

H. 608. To exempt the United American Veterans Gospel Truth Ministries from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Reps. Bachus, Harvey, White (G), Mathis, and Laird:

H. 609. To provide that each death, serious physical injury or physical injury resulting from one criminal act shall constitute a separate offense except as provided in Code of Alabama 1975, § 13A-5-40 (a)(10).

Committee on Judiciary.

By Rep. Turnham:

H. 610. To amend Section 36-7-21, Code of Alabama 1975, providing for out-of-state travel for State employees; to allow the presidents of any junior colleges, two-year schools and vocational-technical schools to approve out-of-state travel requests for employees and appointees under the jurisdiction of said presidents.

Committee on Ways and Means.

By Rep. Turnham:

H. 611. To amend Section 2 of Act No. 82-620, S. 109, Regular Session 1982, now appearing as Section 40-6A-2, Code of Alabama 1975, which is related to the compensation of the tax assessors, tax collectors, revenue commissioners, license commissioners or other persons charged with assessing and collecting ad valorem taxes in the various counties of this State so as to provide further for the salaries and the method of payment of salaries established in said Act and to provide an effective date.

Committee on Ways and Means.

By Rep. Turnham:

H. 612. To amend §12-18-110 of the Code of Alabama 1975 to provide for the purchase of withdrawn or terminated service in the Teachers' Retirement System of Alabama or the Employees' Retirement System of Alabama by members of the Judicial Retirement Fund and to provide credit therefor under the Judicial Retirement Fund. To provide a method of calculation for the cost of service purchased under this act and to provide a time limitation for service purchased under this act.

Committee on Ways and Means.

By Reps. Bachus, White (G), and Beers:

H. 613. To amend section 12-15-90 of the code of Alabama 1975, relating to juvenile proceedings so as to provide for the discharge from custody of a minor or child involuntarily committed to the custody of the department of mental health and mental retardation who, in the judgment of the department, has gained maximum benefit from institutional treatment or is no longer in need of the services of the department or has gained maximum benefit from the programs of the department.

Committee on Judiciary.

By Rep. Junkins (With Notice and Proof):

H. 614. Relating to Etowah County; to provide for the filing for record and the preservation of all final orders and judgments of the court in criminal cases made by any judge of the circuit court.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 614, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Turner and Coburn:

H. 615. To provide an appropriation of \$50,000 from the State General Fund to the State Department of Finance for Alabama's share of expenses for the opening ceremonies of the Tennessee-Tombigbee Waterway.

Committee on Ways and Means.

By Reps. Bowling and Drake (With Notice and Proof):

H. 616. To provide for the hiring of clerical assistance for the District Attorney of the 32nd Judicial Circuit, which is composed of Cullman County, and to specifically repeal Act No. 123, H. 219, Regular Session 1971 (Acts 1971, p. 402).

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 616, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Starkey, Goodwin, and Clark (D) (With Notice and Proof):

H. 617. Relating to Lauderdale County; to amend further Section 2 of Act No. 88, S. 181, 1959 Regular Session (Acts 1959, p. 509), which act provides for the county law library, so as to provide further for the collection of court costs for the maintenance of said library.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 617, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Bryant:

H. 618. To permit agricultural aircraft to take off and land on lightly traveled local highways with the permission of the state highway department director provided that the average daily traffic count on the road is less than 200.

Committee on Highway Safety.

By Reps. Bachus, White (G), and Beers:

H. 619. The Probate Court shall have authority and the duty to appoint any suitable person or agency, public or private, including a private association or non-profit corporation as a guardian for a developmentally disabled person.

Committee on Judiciary.

By Rep. White (F):

H. 620. To exempt the We Care Program from the payment of all state, county and municipal sales and use taxes and from the payment of all state, county and municipal ad valorem taxes and to provide for its retroactive effect.

Committee on Ways and Means.

By Reps. Onderdonk, Newman, Hammett, Carothers, Adams, and Grouby:

H. 621. To amend Section 40-20-2, Code of Alabama 1975, so as to further define the limitations imposed upon counties, cities, towns or municipalities to establish, levy, impose or collect, as a condition of doing business or otherwise, any tax, fee, license or charge whatsoever, directly or indirectly, with respect to the production, treating, processing, ownership, sale, storage, purchasing, marketing, or transportation on any oil or gas produced in the State of Alabama.

Committee on Ways and Means.

By Rep. Onderdonk:

H. 622. To amend Section 9-17-24 of the Code of Alabama 1975, as amended, so as to provide for the collection of fees from applicants for Natural Gas Policy Act of 1978 (NGPA) determinations, such fees to be based on the reasonable anticipated cost to the State Oil and Gas Board for the examination and processing of applications; to provide for the deposit of the application fees for NGPA determinations into a fund known as the Alabama State Oil and Gas Board Special Fund; and to appropriate all moneys deposited in the Alabama State Oil and Gas Board Special Fund for use by the State Oil and Gas Board.

Committee on Natural Resources.

By Rep. Onderdonk:

H. 623. To amend Section 40-12-264, Code of Alabama 1975, relating to motor vehicle licensing; to increase the number of days for purchasers to acquire a license plate; to increase the license fees or cost of dealer plates; to allow mobile home licensed dealers to use demonstration and transport tags; to provide for authorized use of dealer tags and to provide penalties for violations.

Committee on Ways and Means.

By Reps. Fuller and Laird (With Notice and Proof):

H. 624. Relating to Chambers County; authorizing the county commission to levy an additional ad valorem tax in said county to be used for general purposes and providing for a referendum.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 624, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Butler, Lindsey, Brooks, Brakefield, Lauderdale, Parker, Britnell, Newman, Starr, Martin, Rice, White (L), Beasley, Burke, and Hooper:

H. 625. To repeal Act No. 84-240, H. 88, 1984 Regular Session, as codified in Sections 32-6-57, 40-12-273 and 40-12-274, Code of Alabama 1975, which requires all tags, plates or attachments on motor vehicles to comply with certain federal standards as relates to reflection properties; requires the revenue department to implement the provisions of this act and to authorize rule and regulation power for such purposes; and provides for an increase in tag or plate costs for passenger automobiles, trucks with a

gross weight of 8,000 pounds or less and motorcycles; to provide for the collection, distribution and use of such fees.

Committee on Ways and Means.

By Reps. Starkey, Goodwin, and Clark (D):

H. 626. To ratify and confirm the organization and operation of twelve regional planning and development commissions in state planning and development districts designated and established by executive order of the Governor pursuant to section 11-85-51, Code of Alabama 1975; and to authorize certain contracts for the purpose of receiving and disbursing governmental and private funds for certain federal, state and local programs.

WHEREAS, the Governor of Alabama by executive order has heretofore defined, designated and established twelve state planning and development districts throughout and within the state of Alabama in keeping with the provisions of section 11-85-51, Code of Alabama 1975; and

WHEREAS, under the provisions of sections 11-85-52 through 11-85-59, Code of Alabama 1975, regional planning and development commissions were authorized to be created by the various governmental units within respective districts; and

WHEREAS, it appears that in attempting to comply with such statutory provisions in the creation of regional planning and development commissions, the various governmental units participating failed to comply with the technical statutory requirements in the creation of their respective regional planning and development commissions within their respective districts, and created their respective commissions in various forms, by formation of nonprofit corporations, by various resolutions of local governments, and by agreements, and/or compacts between local governments; and

WHEREAS, such purported regional planning and development commissions have operated for a number of years as legally created commissions within their respective districts, and have entered into, performed, and administered and are now performing and administering numerous and varied contracts and have expended and are now expending thereunder federal, state, local governmental and/or private funds for various and sundry programs; now therefore,

Committee on Local Government.

By Reps. Starkey, Goodwin, and Clark (D):

H. 627. To relate to the authority of the highway director to administer public transportation programs; to amend sections 23-1-21.1 and 23-1-21.2, Code of Alabama 1975, so as to provide further for such authority of the highway director.

Committee on Local Government.

By Rep. Johnson (RG):

H. 628. Proposing an amendment to the Constitution of 1901, relating to the offices of circuit and district court judges of the twenty-ninth judicial circuit and filling the vacancies of such office.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Rep. Clark (J):

H. 629. To designate the Department of Mental Health and Mental Retardation as a special school district.

Committee on Health.

By Reps. Bachus, Boles, Starr, Clark (J), Preuitt, Carter, Moore, Rogers, Trammell, Coleman, Turnham, Payne, White (G), Johnson (Roy), Holley, Beers, Gaston, Perdue, Kvalheim, Harper, and Marietta:

H. 630. To further provide for income tax deductions for corporations so as to treat certain donations to the state, or to educational or charitable institutions in the same manner as such donations by individuals.

Committee on Ways and Means.

By Rep. Albright (With Notice and Proof):

H. 631. Relating to Madison County; providing further for costs and charges in the circuit and district courts of said county in all cases wherein a defendant or juvenile is charged with a violation of the Alabama Uniform Controlled Substances Act; providing for the use of the monies to be derived therefrom and placing certain restrictions thereon.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 631, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Albright (With Notice and Proof):

H. 632. To amend Section 1 of Act No. 80-407, H. 792, 1980 Regular Session (Acts 1980, p. 566), relating to a supplement to the salaries of the District Judges of the Twenty-Third Judicial Circuit, so as to provide further for such supplement.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 632, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turner (With Notice and Proof):

H. 633. Relating to Mobile County; establishing the Mobile County Conservation Office as a division of the Mobile County sheriff's office under his supervision and control; authorizing the sheriff to employ certain employees; to prescribe qualifications and duties of such employees; to provide for the salary range and equipment to be provided by the sheriff; and to provide funding from the general fund of the county treasury. In the event such funding is not available then the county commission is authorized to increase fishing and hunting licenses in an amount not to exceed \$1.00 on each license sold in Mobile County.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 633, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Bowling, Mitchell, Brakefield, Britnell, Dutton, Parker, Adams, Rogers, Johnson (RG), Crow, Cosby, Browder, Beasley, Kennedy, Box, Buskey (James), Blake, and Sasser:

H. 634. To amend Section 16-16-6, Code of Alabama 1975, so as to add the Chancellor of Postsecondary Education as a member of the Alabama Public School and College Authority and to further define voting membership.

Committee on Ways and Means.

By Reps. Bowling, Gray, Boles, Hall, Grayson, McDowell, Trammell, Turner, Blake, Crow, and Browder:

H. 635. To provide that all paid firemen in any municipality having a population of more than 5,000 shall not be required to work in excess of 48 hours in any average week throughout the calendar year; and to repeal Act No. 565, H. 391, Regular Session 1963 (Acts 1963, p. 1188), and other conflicting acts.

Committee on Business and Labor.

By Reps. Bowling, Mitchell, Blake, Rice, Coleman, Trammell, Boles, White (L), Clark (D), Brakefield, Moore, Junkins, Martin, Cosby, Crow, Sasser, Hall, Carothers, Bachus, Britnell, Butler, Hettinger, Brooks, Biddle, Newman, Seibles, Box, Burke, Laird, Gaston, Kvalheim, Penry, Harper, Onderdonk, Blakeney, Hooper, Mathis, McKee, Zoghby, Adams, Pratt, Coburn, White (G), Grouby, Starr, Mikell, Drake, Albright, Beasley, Richardson, Browder, Starkey, Marietta, Tanner, Rains, Flowers, Lindsey, Ford, Beers, and Goodwin:

H. 636. To amend section 16-3-1, Code of Alabama 1975, which provides for members of the state board of education and their election and terms of office, so as to provide that one member of said board shall be elected from each congressional district of this state for terms of office of four years each, beginning at the 1986 general election.

Committee on State Administration.

By Rep. Buskey (John):

H. 637. To provide that full-time employees and executive officers of the Alabama Opportunities Industrialization Center may elect to become members of the teachers' retirement system of Alabama; also to provide that said Center and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the State.

Committee on Ways and Means.

By Rep. Turner (With Notice and Proof):

H. 638. Relating to Mobile County; providing that any municipality within the county, which collects taxes levied by the municipality on any athletic events, held by any school shall be refunded to the athletic department of the school from which such taxes were collected.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 638, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harper (With Notice and Proof):

H. 639. Relating to Mobile County; authorizing the judge of probate to sell lists of voters to certain candidates and providing for the disposition of funds from said sales.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 639, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Onderdonk:

H. 640. To abolish any zoning law, ordinance or regulation which prohibits mentally ill persons from living in a natural residential environment and further defining the term "single family residence" as it appears in zoning laws or ordinances to include certain groupings of mentally ill persons.

Committee on Judiciary.

By Rep. Onderdonk:

H. 641. To establish evaluation procedures to determine competence of criminal defendants to stand trial, procedures for the trial of the insanity defense, and procedures for the commitment to and release by the Department of Mental Health and Mental Retardation of those found not guilty by reason of insanity.

Committee on Judiciary.

By Rep. Onderdonk:

H. 642. To abolish any zoning law, ordinance or regulation which prohibits mentally retarded persons from living in a natural residential environment and further defining the term "single family residence" as it appears in zoning laws or ordinances to include certain groupings of mentally retarded persons.

Committee on Judiciary.

By Reps. Rains and Prewitt:

H. 643. To regulate the vending or selling of certain items within buildings or on property of the state, its agencies, institutions, colleges, universities, and political subdivisions, to authorize and provide for such vending or selling by blind persons; and to provide for the training and licensing of blind persons to engage in such vending or selling and for the financing of the selling and vending ventures of such blind persons in these public buildings and on this public property.

Committee on State Administration.

By Reps. Moore, Turnham, and Tanner:

H. 644. To exempt the Alabama 4-H Club Foundation, Inc., from all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Reps. Carothers, Beasley, and Mathis (With Notice and Proof):

H. 645. Relating to Houston County; providing an appropriation from the county general funds or any available funds in the county treasury for the purposes of clean-up and removal of debris from fire damage to certain private property for a specific period retroactively to October 1, 1979; and providing relief to the Houston County Commission for causing its road department to clean-up such debris in error.

WHEREAS, fire damage to private property can create a severe safety hazard and the county commission has certain responsibility to protect its citizens; now therefore,

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 645, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Tanner, Butler, Moore, Johnson (Roy), Rice, Fuller, Clark (J), Marietta, Harper, Bachus, Cosby, Mitchell, Harvey, Newman, Trammell, Biddle, Seibels, Beers, White (G), Boles, Carter, Lindsey, Holley, White (L), Box, Zoghby, Crow, Browder, Campbell, Pratt, Parker, Starkey, Smith, Turnham, Dutton, Mathis, Britnell, Lauderdale, Goodwin, Coburn, and Clark (D):

H. 646. To provide for obtaining criminal record checks and background information through investigation of certain child care facility applicants, operators, staff members, and employees as well as any member of an applicant's or operator's family; and to make appropriations out of the general fund to carry out the provisions of this act.

Committee on Judiciary.

By Rep. Rains (With Notice and Proof):

H. 647. To alter or rearrange the boundary lines of the City of Albertville, Marshall County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, on Marshall County, Alabama.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 647, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Coleman, Richardson, Bowling, Newman, and Junkins:

H. 648. To amend further sections 41-4-132 through 41-4-137 and section 41-4-139, Code of Alabama 1975, relating to public printing and binding, so as to provide further for Class 2, 3 and 4 printing and binding contracts.

Committee on State Administration.

By Reps. Johnson (Roy), Drake, Holley, and Mitchell:

H. 649. To create, contingent upon ratification by the qualified electors of the State of the amendment to the Constitution of Alabama of 1901 proposed by Act 85-79, H. B. 6, of the Special Session of the Legislature of Alabama that convened on January 23, 1985, the Local Government Capital Improvement Fund; to make certain annual appropriations to such fund from the General Fund of the State based upon the amounts of income from the investment of certain moneys derived by the State from the leasing of rights in and royalty payments from offshore oil, gas and other hydrocarbon minerals; to provide for the distribution of such appropriations among local governments; and to provide for the uses to which such moneys shall be put.

Committee on Ways and Means.

By Reps. Buskey (John) and Junkins:

H. 650. To provide for the crime of library theft; to authorize, under certain circumstances, library employees to detain suspected offenders; to provide criminal and civil immunity for such library personnel for detentions; to authorize arrest for the offense by law enforcement officers; to provide a misdemeanor penalty for the offense which shall be cumulative to existing theft penalties of this state; and to require display of the provisions of this act in libraries and other institutions covered by this act.

Committee on Judiciary.

By Rep. Buskey (James) (With Notice and Proof):

H. 651. Relating to the City of Mobile; amending Sections 1 and 2 of Act No. 83-502, H. 475, Regular Session 1983 (Acts 1983, Regular Session, p. 709), relating to the Mobile City Athletic Board, the appointment and terms of office of the board members, so as to add additional membership, and provide for their terms of office.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 651, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Tanner:

H. 652. To amend sections 34-9-40 and 34-9-41, Code of Alabama 1975, relating to the Board of Dental Examiners, so as to add one dental hygienist to such Board.

Committee on Health.

By Reps. Newton, Davis, McDowell, Rogers, and Spratt (With Notice and Proof):

H. 653. Relating to Jefferson County; to amend further Sections 18 and 20 of an act designated as Act No. 248, H. 580, 1945 Regular Session (Acts 1945, p. 376), as heretofore amended relating to creating and establishing in counties having a population of 400,000 or more according to the last or any future federal census, a county wide civil service system, and to provide

for appointment of department heads from all qualified candidates unless the appointing authority shall request the three ranking eligibles only.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 653, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Blakeney:

H. R. 70. COMMENDING CALVIN C. WRIGHT ON HIS DISTINGUISHED MILITARY CAREER.

H. 522 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 522, from the Standing Committee on Ways and Means to the Standing Committee on Local Government.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Parker:

H. J. R. 71. CALLING UPON THE STATE HIGHWAY DEPARTMENT AND THE ALABAMA DEPARTMENT OF PUBLIC SAFETY TO INVESTIGATE AND REMEDY THE DANGEROUS TRAFFIC CONDITIONS EXISTING ON HIGHWAY 67 IN PRICEVILLE, MORGAN COUNTY, ALABAMA.

WHEREAS, Highway 67, east of I-65 in Morgan County, Alabama, is perhaps the most heavily traveled two-lane highway in the State of Alabama; and

WHEREAS, located on Highway 67, within several hundred yards of the I-65 exit, is a busy truck stop which is used by large numbers of truckers and other travelers; and

WHEREAS, the traffic from said truck stop is continually exiting on to Highway 67, merging with heavy local traffic within the city limits of Priceville, resulting in an excessive number of accidents; and

WHEREAS, a situation so dangerous as to have caused numerous injuries, untold property damage and a number of deaths can no longer be allowed to exist, and it is imperative that conditions on this stretch of highway be investigated immediately and steps taken to alleviate the problem; and

WHEREAS, many area citizens have contacted state officials, by letter and through petitions, urging that measures be taken to eliminate this hazardous situation; their efforts, however, have been in vain and they have asked their legislators for assistance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby call upon officials of the State Highway Department and the Alabama Department of Public Safety to conduct a full scale investigation into the dangerous traffic conditions on the aforementioned stretch of Highway 67 in Priceville, and to report their findings and recommendations, as well as a detailed schedule of remedies to be taken to correct this highway hazard of enormous proportions, to State Representative Paul Parker, State Senator Gary Aldridge, and to other area officials concerned with the safety of Alabama motorists and other travelers on Highway 67.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the directors of the State Highway Department and the Department of Public Safety; to Governor George Wallace with a respectful request for his support and assistance in this matter; to the city officials of Priceville, Alabama; and to the editors of the Decatur Daily and the Hartselle Enquirer.

On motion of Rep. Parker, the rules were suspended and the resolution, H. J. R. 71, was adopted.

Also:

By Reps. Drake, Smith, Johnson (Roy), Bowling and Holley:

H. J. R. 72. REQUESTING THE ALABAMA CONGRESSIONAL DELEGATION TO ACCELERATE RESEARCH EFFORTS ON CONTROL OF FIRE ANTS; AND, TO URGE ALL STATES BORDERING ALABAMA TO JOIN IN SEEKING THE ASSISTANCE OF THEIR CONGRESSIONAL DELEGATIONS TO CONTROL AND ERADICATE THE FIRE ANT PROBLEM.

WHEREAS, fire ants have spread into the State of Alabama, and constitute a threat of economic disaster to farmers, raisers of livestock, and to human safety and life; and

WHEREAS, regulations of the Environmental Protection Agency severely handicap the ability of states to obtain the necessary chemicals and other means of controlling and eradicating the fire ant problem; and

WHEREAS, an increasing number of citizens in the state and throughout the Southern United States face economic ruin and danger to themselves and to their families if fire ants are not brought under control and eradicated; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge the Alabama Congressional Delegation to exert efforts to accelerate research efforts of the Environmental Protection Agency and other federal agencies concerning means of control and eradication of fire ants in Alabama and other affected states.

BE IT FURTHER RESOLVED, That the states adjoining Alabama that have a fire ant problem, and those states in the area which will have a fire ant problem if efforts are not accelerated to control and eradicate fire ants, are respectfully requested to urge their Congressional Delegations to join with the Alabama Congressional Delegation in accelerating federal efforts to develop the chemicals or other means necessary to suppress the fire ant problem, which poses a potential threat of economic ruin to a large area of the Southern region.

RESOLVED FURTHER, That a copy of this resolution be forwarded to each member of the Alabama Congressional Delegation, to the Congressional Delegations of those states adjoining Alabama, and to the U.S. Environmental Protection Agency.

On motion of Rep. Drake, the rules were suspended and the resolution, H. J. R. 72, was adopted.

Also:

By Reps. Marietta and Harper:

H. J. R. 73. COMMENDING WALLACE HARPER OF TILLMAN'S CORNER, ALABAMA, 1985 CITIZEN OF THE YEAR.

WHEREAS, the Alabama Legislature, in highest commendation, notes the selection of Wallace Harper as 1985 Citizen of the Year by the Tillman's Corner Chamber of Commerce; and

WHEREAS, Mr. Harper, as the recipient of this prestigious designation, was nominated by the JOY Group which cited Mr. Harper for outstanding contributions to the business community, since 1968, and for his active involvement in the civic and community affairs of Tillman's Corner; and

WHEREAS, in addition to serving for many years as an officer of the Merchants Association, Mr. Harper is an active member of the Optimist Club, a Charter Member of the Tillman's Corner Lions Club, and is a member and former secretary and treasurer of the Tillman's Corner Chamber of Commerce, serving through instrumental involvement in numerous of the chamber's projects and activities; and

WHEREAS, Mr. Harper's participation has extended to encompass numerous other areas of concern such as promotion and support of area schools, Boykin Park, Cottage Hill Baptist Church, Contact Mobile, Saint Vincent De Paul And Lynwood Nursing Home, among others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Wallace Harper of Tillman's Corner, Alabama, as 1985 Citizen of the Year, and direct that he receive a copy of this resolution in small token of our deep appreciation, admiration and esteem.

On motion of Rep. Marietta, the rules were suspended and the resolution, H. J. R. 73, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Marietta, Gaston and Kvalheim:

H. R. 74. COMMENDING THOMAS J. TERRELL OF MOBILE, ALABAMA, ENGINEER OF THE YEAR, 1985.

Also:

The following resolutions were introduced:

By Reps. Hooper and Johnson (Roy):

H. J. R. 75. MOURNING THE DEATH OF MR. DAVID H. WILLIAMS, EXECUTIVE DIRECTOR OF THE ALABAMA BOARD OF PAR-
DONS AND PAROLES.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature notes the untimely death of Mr. David H. Williams of Montgomery, Alabama, on September 25, 1984, at the age of 56 years; and

WHEREAS, Mr. Williams, who at the time of his death was serving as Executive Director of the Alabama Board of Pardons and Paroles, was a graduate of Auburn University and of Jones Law School and had graduate studies at George Washington University in Washington, D. C. and Troy State University in Montgomery; and

WHEREAS, Mr. Williams was a faithful member of Dalraida Baptist Church, a deacon of the church and an active member of the church choir; and

WHEREAS, Mr. Williams, a native of Mobile, Alabama, began his career with the FBI in Washington, D. C. and served a total of 31 years with the Alabama Board of Pardons and Paroles, first as a probation and parole officer, then as Assistant Parole Executive, and finally as Executive Director; and

WHEREAS, Mr. Williams served the people and his department with exceptional dedication, professionalism and compassion; and

WHEREAS, Mr. Williams was member and past president of the Southern States Correctional Association, and a member and past vice president of the Alabama Council on Crime and Delinquency, and our faithful friend; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. David H. Williams, and extend our most heartfelt sympathy to his family, and to all those who are sorely bereft in their great loss.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to his beloved wife, Mrs. Delores Williams, that she and their children and other family members may know of our concern for them during their time of such deep sorrow.

On motion of Rep. Hooper, the rules were suspended and the resolution, H. J. R. 75, was adopted.

Also:

By Reps. White (L), Rice and Turnham:

H. J. R. 76. COMMENDING J. MILES THOMAS OF OPELIKA, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

WHEREAS, the Alabama Legislature, in consensus of highest commendation, notes the selection of J. Miles Thomas of Opelika, Alabama, as the recipient of the prestigious Alabama Pharmacy Leadership Award; and

WHEREAS, a 1955 graduate of the Auburn University School of Pharmacy with the B. S. degree, Mr. Thomas is a highly dedicated professional who operates his own pharmacy in Opelika and who also has distinguished himself in total professional involvement; and

WHEREAS, he is a member of and active in service with the Lee County and Alabama Pharmaceutical Associations, the Alabama State Board of Pharmacy and the Auburn University Pharmacy Council, and is a member

also of the National Association of Retail Druggists and the American Pharmaceutical Association; and

WHEREAS, Mr. Thomas, in addition to his business and professional obligations, is further deeply committed to civic and community service; he currently is the Mayor of Opelika and is a member and vice chairman of the Lee County Council of Governments; and

WHEREAS, he also is a member of the First Methodist Church, a former longtime member of the Opelika Parks and Recreation Board, past director and vice chairman of the Opelika Chamber of Commerce, a member of the Central Bank board of directors and the Opelika Junior Chamber of Commerce; and

WHEREAS, among other of Mayor Thomas' numerous honors and recognitions are the Auburn University School of Pharmacy Distinguished Alumni Award, A. H. Robins Community Service Award and the Traveling Mens King Courtesy Award; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend J. Miles Thomas of Opelika, Alabama, for outstanding professional achievement and community service; we further congratulate him as the recipient of the Alabama Pharmacy Leadership Award and direct that he receive a copy of this recognition of the Legislature.

On motion of Rep. White (L), the rules were suspended and the resolution, H. J. R. 76, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. White (L):

H. R. 77. CONGRATULATING AND COMMENDING REELTOWN HIGH SCHOOL ON ITS OUTSTANDING 1984 FOOTBALL SEASON.

Also:

The following resolutions were introduced;

By Rep. Burke:

H. J. R. 78. COMMENDING COACH TERRY MITCHELL OF PLAINVIEW HIGH SCHOOL, RAINSVILLE, ALABAMA.

WHEREAS, in highest commendation, the Legislature of Alabama extends congratulations to Coach Terry Mitchell of Plainview High School, Rainsville, Alabama, upon achieving his 200th win as a basketball coach on November 26, 1984, following Plainview's 72-57 defeat of Fort Payne; and

WHEREAS, Coach Mitchell further boasts a career coaching record, through the 1984-85 season, of 224 wins and only 106 losses; and

WHEREAS, it is to be noted as well that during his tenure at Plainview High School, Coach Mitchell's teams have won two DeKalb County Championships; three Sand Mountain Tournament Titles; six Region 8, Area 16, 2A Championships; two Region 8, 2A Crowns and one Area 15, 3A Title; he also has coached two teams to the State 2A Finals and one State All-Star team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby mostly highly commend Coach Terry Mitchell on his outstanding career record as a high school basketball coach; we further congratulate him on his 200th career win and direct that he receive a copy of this resolution expressing our sincere warm praise and regard of his many noteworthy accomplishments.

On motion of Rep. Burke, the rules were suspended and the resolution, H. J. R. 78, was adopted.

Also:

By Rep. Cosby:

H. J. R. 79. COMMENDING THE CEDAR PARK-EDGEWOOD OLYMPICS OF THE MIND TEAM.

WHEREAS, it is with warm personal pride and pleasure that the Legislature of Alabama extends heartiest congratulations to the students of Selma's Cedar Park and Edgewood Elementary Schools who won top national honors in the "Olympics of the Mind" competition held in Akron, Ohio, in June 1984; and

WHEREAS, the champion Cedar Park-Edgewood team consists of third grader Steven Maples and fourth graders Jason Hill, Jamie Thomas, Chris Jenkins, Eddie Campbell, Amy Roth and Lida Fitts; the team's teacher-coach is Mrs. Louise Wood; and

WHEREAS, Olympics of the Mind is a competition designed to give our youth the opportunity for experimental search for alternate solutions to difficult problems, thereby enabling them to be prepared, as adults, for an innovative approach to unusually difficult problems in maturity; and

WHEREAS, it is further to be noted that the Cedar Park-Edgewood Team qualified for the national olympics as a result of a first place showing in statewide competition; in Akron, the team faced representatives from the majority of the states and from two Canadian provinces; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the enrichment class of Cedar Park-Edgewood Schools and their teacher-coach, Mrs. Louise Wood, each of whom shall receive a copy of this resolution in small token of our sincere warm praise and regard.

On motion of Rep. Cosby, the rules were suspended and the resolution, H. J. R. 79, was adopted.

Also:

By Rep. Cosby:

H. J. R. 80. RECOGNIZING GATEWAY INDUSTRIES OF SELMA, ALABAMA, FOR OUTSTANDING SUPPORT, THROUGH TRAINING AND EMPLOYMENT, OF HANDICAPPED CITIZENS OF ALABAMA.

WHEREAS, Gateway Industries of Selma, Alabama, a division of West Central Alabama Rehabilitation Center, is a manufacturing industry for the handicapped and a commendable enterprise that addresses the needs of those citizens through a self-supporting program of outstanding success; and

WHEREAS, Gateway Industries started in 1982, manufacturing painters' caps, and in 1984 adopted a marketing plan that includes the responsibility

for company sales as well as cutting, sewing and shipping of their personalized products that are now distributed nationwide; and

WHEREAS, it is to be noted with highest commendation that, during fiscal year 1984, Gateway Industries manufactured, sold and shipped 2, 347, 326 caps and are now approaching the 5-million mark of caps produced from the spring of 1982 through September 30, 1984; in January 1985, Gateway received their largest order to date of 400,000 personalized caps; and

WHEREAS, Gateway Industries, however, is to be most particularly recognized for the company's success in the training and employment of handicapped citizens to enable them to earn a living and support themselves through employment in the sewing industry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express highest commendations of Gateway Industries, Selma, Alabama, and stand in tribute to the success of their efforts in helping to rehabilitate handicapped citizens of our State, thereby enabling them to lead successful and productive lives.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Mr. Larry F. Lewis, Administrator of West Alabama Rehabilitation Center, Mr. Benny Krumnov, Director of Gateway Industries, and to Mr. Ed Dobbs, President of JED Marketing, Incorporated.

On motion of Rep. Cosby, the rules were suspended and the resolution, H. J. R. 80, was adopted.

Also:

By Rep. Turner:

H. J. R. 81. COMMENDING THE UNIVERSITY OF SOUTH ALABAMA AND ITS ATHLETIC PROGRAM

WHEREAS, The University of South Alabama Basketball Team, a member of the Sun Belt Conference, did defeat nationally ranked University of Alabama-Birmingham 80-68 in Mobile on Saturday, February 23rd; and

WHEREAS, The University of South Alabama Baseball Team did defeat the University of Alabama-Tuscaloosa Baseball Team 13-3 on Saturday, February 23rd in Mobile; and

WHEREAS, Terry Catledge, star basketball player for University of South Alabama scored 31 points in the basketball game and became the first player in the Sun Belt Conference history to get over 900 rebounds in a career; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend the Athletic Program at the University of South Alabama and congratulate the Jaguars on their double victory, and

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the University of South Alabama and their Athletic Department to show our appreciation.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Turner to suspend the rules and adopt the resolution, H. J. R. 81, was lost.

The resolution, H. J. R. 81, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Gaston:

H. J. R. 82. COMMENDING LAURA ANN BELLEW OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Alabama Legislature notes with commendation the numerous outstanding accomplishments of Laura Ann Bellew of Mobile, Alabama, a student at the J. T. Wright School who has greatly excelled both academically and as a talented young athlete; and

WHEREAS, Miss Bellew is a participant in the Presidential Classroom program, a member of the 1982-83 Honor Council, a member of the Mu Alpha Theta national mathematics honorary, and a former member of the Student Council; and

WHEREAS, the 1984 captain of her school's girls volleyball team, she also has been twice named to the Mobile All-County team and was J. T. Wright defensive MVP in 1983; and

WHEREAS, Miss Bellew further is co-captain of the J. T. Wright girls basketball team, a member of the 1984 Region 3A All-tournament team and was 1984 J. T. Wright MVP; and

WHEREAS, she additionally was a 1984 finalist for Mobile County Athlete of the Year and was named, also in 1984, a Kiwanis Female Athlete of the Week; and

WHEREAS, it also is to be noted with praise that Laura Ann Bellew, daughter of Mr. and Mrs. Philip Bellew, was a 1984 Mobile County Junior Miss finalist; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Laura Ann Bellew of Mobile, Alabama, for outstanding academic and athletic achievement, and direct that she receive a copy of this resolution tendered in highest regard of her extraordinary record of accomplishment.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 82, was adopted.

Also:

By Rep. Gaston:

H. J. R. 83. COMMENDING GLEN OWEN BAILEY OF AUBURN, ALABAMA.

WHEREAS, in a desire to recognize young Alabamians of achievement, the Alabama Legislature expresses highest commendation of Glen Owen Bailey, a senior in Health Services Administration at Auburn University; and

WHEREAS, Mr. Bailey, who has been tapped for membership in Mortar Board, also was elected to Omicron Delta Kappa and Phi Eta Sigma honoraries, and has been named to Who's Who Among Students in American Universities and Colleges; and

WHEREAS, he is a member as well of the Student Government Association Elections Committee, co-chairman of the Auburn University Blood Drive Volunteers Committee, a student member of the American College of Hospital Administrators, and is a member and office holder of the Farmhouse Fraternity which honored him with the Hugo H. Rogers Award; and

WHEREAS, Mr. Bailey, a Dean's List student, extends his involvement to include the Auburn University Marching Band which he serves as Drum Major, and he is conductor of the Auburn Basketball Pep Band, a member of the Auburn University Concert Choir, and is a Big Brother of Pi Beta Phi Sorority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend, for outstanding achievement, Glen Owen Bailey of Auburn University, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 83, was adopted.

Also:

By Reps. Kennedy, Buskey (James) and Clark (W):

H. J. R. 84. MOURNING THE DEATH OF IRENE L. JONES OF MOBILE, ALABAMA.

WHEREAS, in deep sadness and regret, the Alabama Legislature records the death of Mrs. Irene L. Jones, a native of Camden in Wilcox County and a longtime resident of Mobile, Alabama; and

WHEREAS, Mrs. Jones was educated in the elementary and secondary schools at Snow Hill, Alabama, and received her higher education at Tuskegee Institute and Alabama State University, holding both Associate and Bachelor degrees; she was a prominent public school educator and was engaged in the teaching profession in Camden, Alabama, from 1929 until her retirement in 1977, whereupon she re-established full residency in Mobile; and

WHEREAS, though a teacher by profession, a community leader, a benevolent humanitarian and a friend and supporter of the sick and needy, Mrs. Jones was above all a true servant of the Lord; she confessed Christ at an early age and ever remained a faithful follower of her Savior; and

WHEREAS, in previous membership in New Trinity United Presbyterian Church in Wilcox County, and as a longtime member of Stewart Memorial CME Church in Mobile, Mrs. Jones was both faithful in attendance as well as through service in numerous church organizations; at Stewart Memorial, even to the time of her final illness, she was a teacher and former treasurer in the Sunday School Department, class leader, member of the Stewardess Board, Missionary Society and Senior Choir, and was a member of the Mobile District and Southeast Alabama Conference of Ministers' Wives; and

WHEREAS, Mrs. Jones was the beloved wife of the late Reverend Joseph Jones to which union was born a daughter, Mrs. Louise Jones Zene, and a son, George Jones; also bereft in grief, yet cherishing her memory, are a sister and brother, Polly M. Collins and Cleveland Bryant, as well as several nieces, nephews, cousins and other relatives; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death and give thanks for the life of Irene L. Jones of Mobile, Alabama, and we further extend deepest sympathy to all her family, for whom copies of this resolution shall be provided.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 84, was adopted.

Also:

By Reps. Kennedy, Buskey (James) and Clark (W):

H. J. R. 85. MOURNING THE DEATH OF ALONZO YELLING OF MOBILE, ALABAMA.

WHEREAS, The Alabama Legislature grievously records the death of Alonzo Yelling of Mobile, Alabama, on February 25, 1985, at the age of 79 years; and

WHEREAS, Mr. Yelling, a native of Daphne, Alabama, was a bricklayer by professional trade and was a true craftsman whose work was widely known; and

WHEREAS, a sincere and dedicated Christian, Mr. Yelling was first affiliated in membership with Macedonia Baptist Church of Daphne, but later joined his wife at Hope Chapel AME Zion Church in Mobile; and

WHEREAS, he and his beloved wife of 54 ½ years, Mrs. Eunice Cavanaugh Yelling, were the parents of two sons and seven daughters who gave their devoted parents 31 grandchildren and 15 great-grandchildren; and

WHEREAS, the death of Alonzo Yelling has indeed left a deep void in the hearts of his family and in the lives of those within the community who knew and loved him as a comforter, advisor, peacemaker and friend to all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Alonzo Yelling of Mobile, Alabama, and extend our very deepest sympathy to all his family, whose sorrow also is ours and for whom copies of this resolution shall be provided.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 85, was adopted.

Also:

By Rep. Coburn:

H. J. R. 86. COMMENDING MARY FRANCES VAUGHN FOR DISTINGUISHED SERVICE WITH THE ALABAMA PUBLIC SERVICE COMMISSION.

WHEREAS, the Legislature of Alabama notes the March 1, 1985, retirement of Mary Frances Vaughn, a loyal and dedicated employee of the Alabama Public Service Commission for almost 40 years; and

WHEREAS, Mrs. Vaughn was first employed by the Commission on January 2, 1946, as a junior typist assigned to a Commission attorney and, through subsequent promotions, was serving at retirement in the position of clerk typist III with the Records and Files Division; and

WHEREAS, during her long and notable tenure of service, Mrs. Vaughn has indeed compiled an impeccable record; she has been of invaluable assistance to the entire Commission, earning the deep admiration and respect of her co-employees and that of the many commissioners under whom she has served; and

WHEREAS, in addition to the weighty responsibilities of her position, Mrs. Vaughn also has assumed responsibilities within the community, most particularly through involvement and activities with the Dalraida Baptist Church; and

WHEREAS, with the retirement of Mary Frances Vaughn, the Alabama Public Service Commission has lost a truly valued employee, and one whose loyalty is above reproach and her commitment to excellence without parallel; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mary Frances Vaughn for distinguished and dedicated service to the Alabama Public Service Commission and to all citizens of the State of Alabama.

BE IT FURTHER RESOLVED, That in small token of the Legislature's sincere admiration and regard, a copy of this resolution shall be presented to Mrs. Vaughn on the occasion of her retirement.

On motion of Rep. Coburn, the rules were suspended and the resolution, H. J. R. 86, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Junkins:

H. R. 87. MOURNING THE DEATH OF FRED C. HARWOOD OF GADSDEN, ALABAMA.

Also:

By Reps. Junkins and Bugg:

H. R. 88. MOURNING THE DEATH OF MRS. VERALYNE GILLILAND TERRELL OF ALTOONA, ALABAMA.

Also:

The following resolutions were introduced:

By Reps. McKee and Hooper:

H. J. R. 89. REQUIRING A COMPLETE AND INDEPENDENT AUDIT OF THE FEDERAL RESERVE SYSTEM

WHEREAS, a sound money system is absolutely vital to a free people; and

WHEREAS, inflation, exorbitant interest rates and monetary instability have historically been not only disastrous to the people but proof of an unsound money system and thus a real threat, a clear and present danger to the people and to the governments of the State of Alabama and the United States of America; and

WHEREAS, Article 1, Section 8, Clause 5 of the United States Constitution grants to Congress the exclusive power "to coin money and regulate the value thereof"; and

WHEREAS, the Federal Reserve Act of 1913 and other acts of Congress purport to delegate to a federally-chartered banking consortium power over the lives and well-being of every citizen with no real oversight or control by any elected body or official; and

WHEREAS, the purported statutory powers of the Federal Reserve System to create and issue money and to create and loan money at interest to the government of the United States, are clearly beyond any authority contemplated by those who wrote and ratified the Constitution; and

WHEREAS, the United States Constitution nowhere authorizes Congress to delegate such power; and

WHEREAS, there has never been a complete and independent audit of the Federal Reserve System; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is hereby the declared intent of the State of Alabama, to join with Washington State in filing, in the original jurisdiction of the Supreme Court of the United States:

(1) An action challenging the constitutionality of the delegation to the Federal Reserve System of the power to create money; and

(2) An action requiring a complete and independent audit of the Federal Reserve System.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Alabama's Congressional Delegation.

The resolution, H. J. R. 89, was read and referred to the Standing Committee on Rules.

Also:

By Rep. McKee:

H. J. R. 90. DIRECTING STATE COMPTROLLER NOT TO PAY PER DIEM EXPENSES TO THE LEGISLATURE

WHEREAS, it is within the plenary power of the Alabama Legislature to either set expense allowances for its members or to forego the acceptance of expense allowances set by prior resolution for any specific day or days; and

WHEREAS, it is consistent with the intent of prior resolutions that the \$85.00 per diem expense allowance should be paid for those days spent in actual performance of official duties at the Capitol; and

WHEREAS, there is a lingering shadow of controversy and resentment in the minds of Alabama taxpayers concerning the paid legislative recess from December 20, 1984 to January 3, 1985; and

WHEREAS, the Legislature desires to show good faith to its constituents collectively, and to re-establish that degree of trust expedient for all elected officials to carry out their duties; now therefore;

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we direct the State Comptroller to not pay members of the Legislature \$85.00 per diem in expense allowance for the days of December 21, 1984, through January 2, 1985, inclusively.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. McKee to suspend the rules and adopt the resolution, H. J. R. 90, was lost.

The resolution, H. J. R. 90, was read and referred to the Standing Committee on Rules.

REPORT FILED

Pursuant to Act No. 83-72 of the Legislature of Alabama, Co-Chairmen, Sen. Hinton Mitchem and Rep. Tom Coburn, submitted the final report of the Interim Committee on Finances and Budgets, and the Report was ordered filed.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Bugg, Junkins, Ford, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby:

H. J. R. 91. COMMENDING STATE REPRESENTATIVE EUCLID RAINS.

WHEREAS, it is in highest commendation and sincere, personal pride that the Legislature of Alabama notes the selection of our friend and colleague, Representative Euclid Rains as the recipient of the Alumnus of the Year Award of Snead State Junior College, Boaz, Alabama; and

WHEREAS, this prestigious distinction was bestowed on May 5, 1984, at awards ceremonies at the college's Fielder Auditorium; and

WHEREAS, Representative Rains, a graduate of Snead College, also is a graduate of the Alabama Institute for Deaf and Blind and of Jacksonville State University with the B. S. degree; and

WHEREAS, Mr. Rains, a former teacher, was the first alumnus of AIDB to serve on its board of Trustees and he has further served his community and State as PTA president of Whiton Elementary School, president of New Harmony Rural Development Club and as a member of the Alabama Commission on Aging and the Advisory Committee to Rehabilitation, among numerous others; and

WHEREAS, he also is a Mason and Shriner and a member of the Lions Club and Eastern Star; he is listed in such distinguished biographies as Who's Who in American Politics and International Biographical Profiles which is published in Cambridge, England, and distributed in more than fifty countries; and

WHEREAS, among other of his accomplishments are the Honorary Future Farmer of America designation in 1982, the 1981 Alabama Poultry and Egg Association Award, and the Defender of Biblical Morality Award in 1980 from Alabama Christian Education Association; and

WHEREAS, Representative Rains' achievements are truly legion in number, as are his contributions on local, state and national levels, most particularly in the areas of service to youth and the handicapped; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we stand in tribute to our distinguished colleague, Representative T. Euclid Rains of Albertville, Alabama; we further express highest praise of his numerous achievements and heartily congratulate him as Snead State Junior College's Alumnus of the Year.

BE IT FURTHER RESOLVED, That in token of our esteem and personal regard, a copy of this resolution shall be presented to Representative Rains.

On motion of Rep. Bugg, the rules were suspended and the resolution, H. J. R. 91, was adopted.

Also:

By Rep. Dutton:

H. J. R. 92. NAMING THE ALABAMA ARMY NATIONAL GUARD ARMORY AT MOULTON, ALABAMA, THE "HERMAN L. BREWINGTON ARMORY."

WHEREAS, SFC Herman L. Brewington started his military career in the HOME GUARD and was a member of Det 1 Co c 115th Sig Bn when the unit first received federal recognition; and

WHEREAS, SFC Brewington served with distinction throughout his 40-year military career, greatly aiding his unit to maintain its strength and serving as a role model for younger soldiers beginning a career with the Guard; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of unselfish dedication and many contributions to his National Guard Unit, we hereby name and designate the Alabama Army National Guard Armory at Moulton, Alabama, the "Herman L. Brewington Armory."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said Armory as the "Herman L. Brewington Armory."

RESOLVED FURTHER, That a copy of this resolution be forwarded to SFC Brewington as a memento of this honorary designation of the Legislature.

On motion of Rep. Dutton, the rules were suspended and the resolution, H. J. R. 92, was adopted.

Also:

By Reps. Spratt, Boles, Seibels, Perdue, Newton, Davis, Rogers, McDowell, Trammell, White (G) and Escott:

H. R. 93. URGING THE JEFFERSON COUNTY COMMISSION TO MOVE THE SHERIFF'S RECORDS FOR BESSEMER TO THE BESSEMER COURTHOUSE.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we hereby urge the Jefferson County Commission to relocate personnel and the records of the sheriff that pertain to the City of Bessemer and its residents to the Bessemer Cut-Off Division Courthouse of the Tenth Judicial Circuit.

On motion of Rep. Spratt, the rules were suspended and the resolution, H. R. 93, was adopted.

Also:

By Rep. Flowers:

H. J. R. 94. NAMING A PORTION OF HIGHWAY 223 IN PIKE COUNTY, ALABAMA, THE "JEFF SORRELL HIGHWAY."

WHEREAS, Mr. Jeff Sorrell was a native and lifelong resident of the Saco Community in Pike County, Alabama; and

WHEREAS, not only was Mr. Sorrell a prominent civic and community leader, but also was a substantial businessman with extensive cattle and timber holdings in that area of our State; and

WHEREAS, in recognition of Mr. Sorrell's numerous contributions to his community and to all of Pike County, it is entirely fitting and proper that his name be perpetuated in appropriate fashion and that his generosity be acknowledged through means of permanent honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That that portion of Highway 223 in Pike County, Alabama, between the communities of Saco and Sandfield, is hereby designated and shall forever be known as the "Jeff Sorrell Highway."

BE IT FURTHER RESOLVED, That the proper authorities are hereby authorized to erect and maintain appropriate signs and markers so designating said portion of Highway 223.

RESOLVED FURTHER, That the family of Mr. Jeff Sorrell shall receive a copy of this honorary designation of the Alabama Legislature.

On motion of Rep. Flowers, the rules were suspended and the resolution, H. J. R. 94, was adopted.

Also:

By Rep. Richardson:

H. J. R. 95. COMMENDING RONALD LIVENGOOD OF SCOTTSBORO, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Alabama Legislature notes with pleasure the prestigious honor recently accorded Ronald Livengood of Scottsboro, Alabama, with the bestowal of an Abe Lincoln Merit Award by the Southern Baptist Radio and Television Commission; and

WHEREAS, Mr. Livengood, who is president and general manager of WKEA-AM-FM, was cited by the Commission for his "thoughtful editorial policy designed to create a climate for needed change in the community"; and

WHEREAS, the Abe Lincoln Award of Merit was most specifically in recognition of Mr. Livengood's instrumentality in the formation of Citizens for Industry to promote an office of industrial development for the City of Scottsboro which, in 1984, was experiencing Alabama's highest unemployment rate; and

WHEREAS, Mr. Livengood also hosted a 30-hour radiothon which raised some \$35,000 for industrial development in Scottsboro; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Ronald Livengood for outstanding achievement and for his contributions to the community through public service broadcasting over WKEA-AM-FM in Scottsboro.

BE IT FURTHER RESOLVED, That in token of our sincere and highest regard, a copy of this resolution shall be provided for presentation to Mr. Livengood.

On motion of Rep. Richardson, the rules were suspended and the resolution, H. J. R. 95, was adopted.

Also:

By Rep. Richardson:

H. J. R. 96. MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ADOPT LEGISLATION RELATING TO THE SOCIAL SECURITY ACT.

WHEREAS, at the present time under the Social Security Act, individuals who became eligible for benefits in or after 1979, received reduced benefit levels compared to individuals who became eligible prior to 1979, resulting from changes made in 1977 in the benefit computation formula; and

WHEREAS, this disparity in benefit levels has been referred to as the "notch" and has resulted in reduced benefits having been awarded to approximately 1.3 million persons; and

WHEREAS, any remedy for narrowing the gap in benefits is complicated because the notch has been in use since 1979; and

WHEREAS, a 1985 bill has been or will be introduced in the United States House of Representatives by Mr. Roybal, who is the Chairman of the Aging Committee of the House, in an effort to eliminate the notch; and

WHEREAS, it is appropriate that the Legislature of Alabama take a stand in support of this legislation to protect the rights of the citizens of our state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most strongly urge the Congress of the United States to adopt legislation to eliminate the disparity in benefit levels awarded under the Social Security Act with respect to benefits awarded prior to 1979 and in and after 1979, so as to provide equitable benefits for all retirees.

BE IT FURTHER RESOLVED, That copies of this resolution be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Alabama Congressional Delegation.

On motion of Rep. Richardson, the rules were suspended and the resolution, H. J. R. 96, was adopted.

Also:

By Reps. Buskey (John) and Buskey (James):

H. J. R. 97. TO AMEND ACT NO. 83-849, H. J. R. 12, PROVIDING ADDITIONAL PER DIEM EXPENSE ALLOWANCES AND ADDITIONAL MONTHLY EXPENSE ALLOWANCES TO MEMBERS OF THE LEGISLATURE SO AS TO PRESCRIBE PROCEDURE WHEREBY SUCH MEMBERS MAY FORFEIT THEIR PER DIEM ALLOWANCES WHEN THE LEGISLATURE RECESSES FOR MORE THAN FOUR DAYS DURING A SESSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 83-849, H. J. R. 12, approved December 1, 1983, Fourth Special Session 1983, entitled "House Joint Resolution, TO PROVIDE ADDITIONAL PER DIEM EXPENSE ALLOWANCES AND ADDITIONAL MONTHLY EXPENSE ALLOWANCES TO MEMBERS OF THE LEGISLATURE" is hereby amended to read as follows:

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That each member of the Legislature shall be entitled to and shall be paid an additional thirty dollars (\$30.00) per diem for expenses incurred in the performance of his or her duties for the duration of any regular or special session of the Legislature. Such expense allowance shall be in addition to all other allowances and expenses heretofore provided for members of the Legislature. Provided, however, that whenever the Legislature recesses for more than four days during any session, each member may elect to forfeit his or her per diem expenses during such recess by signing and filing a statement of such intent with the Clerk of the House or the Secretary of the Senate.

"BE IT FURTHER RESOLVED, That each member of the Legislature shall be allowed an additional two hundred dollars (\$200.00) per month for expenses incurred in the performance of his or her duties, to be paid at the end of each month during his or her term.

"BE IT FURTHER RESOLVED, That this order shall take effect upon the approval thereof by the Governor as provided in Article 5, Section 125 of the Constitution."

The resolution, H. J. R. 97, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Bowling:

H. J. R. 98. PETITIONING THE CONGRESS OF THE UNITED STATES TO RETAIN THE WORK INCENTIVE PROGRAM AND TO PROVIDE A REASONABLE FUNDING LEVEL CONSISTENT WITH PROGRAM NEEDS AND RESPONSIBILITIES FOR HELPING RECIPIENTS OF AID TO DEPENDENT CHILDREN IN BECOMING PRODUCTIVE UNSUBSIDIZED WAGE EARNERS.

WHEREAS, the national Work Incentive Program was established in 1967 under the provision of Title VI of the Social Security Act to assist recipients of Aid to Dependent Children in becoming productive wage earners; and

WHEREAS, the Work Incentive Program has been the moving force in providing opportunities for ADC Recipients to move from welfare dependency to unsubsidized independence as job holders; and

WHEREAS, the national Work Incentive Program has become the primary agency for referral to employment and training programs designed to lead to unsubsidized employment as a replacement for welfare dependency; and

WHEREAS, every Alabamian deserves the opportunity to know the dignity of work as nothing contributes more to an individual's sense of pride and self-worth, and the Work Incentive Program is dedicated to nurturing the mutually rewarding partnership of business and labor with the mission to bridge the gap between welfare dependency and employment; and

WHEREAS, the Alabama Work Incentive Program assisted over 2,900 welfare recipients in becoming productive wage earning members of society in fiscal year 1984, and

WHEREAS, the Work Incentive Program has not been included in the Administrations FY 1986 Budget now before Congress; and

WHEREAS, the Alabama Work Incentive Program returned more than \$9.50 in positive benefits of wages, ADC grant reductions, medicaid savings and food stamp savings for every program dollar spent in fiscal year 1984; and

WHEREAS, the Congress of the United States has funded the Work Incentive Program since its inception; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby petition the Congress of the United States to continue funding the Work Incentive Program at a reasonable funding level consistent with program needs and responsibilities for helping recipients of Aid to Dependent Children in becoming productive unsubsidized wage earners.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the members of the Alabama U. S. Congressional Delegation.

On motion of Rep. Bowling, the rules were suspended and the resolution, H. J. R. 98, was adopted.

Also:

By Reps. Smith, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby:

H. J. R. 99. EXPRESSING THE LEGISLATURE'S APPRECIATION TO THE ALABAMA BAPTIST STATE CONVENTION.

WHEREAS, on February 20, 1985, the Alabama Baptist State Convention hosted its annual Legislative Prayer Luncheon, an event of long standing and one which is looked forward to with great pleasure by members of the legislature and other state leaders in government; and

WHEREAS, in addition to Dr. A. Earl Potts, executive secretary-treasurer of the Baptist State Executive Board, and Mr. Wallace Henley, president of the Alabama Baptist State Convention, participants in the program included Montgomery Mayor Emory Folmar, representatives of the Alabama House and Senate, and Governor George C. Wallace; and

WHEREAS, not only did the Convention's guests enjoy a delicious luncheon but, more importantly, an inspirational program which included a stirring presentation by the Samford University Band; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express deep appreciation to the Alabama Baptist State convention for its thoughtful and generous gestures over the years.

BE IT FURTHER RESOLVED, That in expression of our sincere gratitude and praise, a copy of this resolution shall be forwarded to Dr. Potts on behalf of the Alabama Baptist State Convention.

On motion of Rep. Smith, the rules were suspended and the resolution, H. J. R. 99, was adopted.

Also:

By Rep. Payne:

H. J. R. 100. COMMENDING PINSON VALLEY HIGH SCHOOL ON ITS SPECTACULAR 1984 FOOTBALL SEASON.

WHEREAS, it is with highest commendation that the Legislature of Alabama notes the numerous outstanding accomplishments of the Pinson Valley Indians during the 1984 football season; and

WHEREAS, the Indians' 8-3 season record, the best ever posted in school history, included a 13-3 win over arch rival Hewitt High, 24-8 over

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Leeds in regional competition, and a 28-6 trouncing of McAdory High School which clinched a spot in the state play-offs for the Indians; and

WHEREAS, leading his tribe to Pinson Valley's first trip ever to the play-offs was talented Head Coach Ken Walker who was most ably assisted by Coaches John Scozzaro, Robert Head, Don Little, Anthony Montalto, Kim Bruce, Wally Higginbotham and Phillip Loden; serving as team trainer was Dan McGettigan while Neal Bruce served as chaplain, Dr. George Rudd as the team doctor, Billy Dorr as manager and Mike O'Toole, statistician; and

WHEREAS, serving as permanent team captains for the '84 season were Steve Patrick and Craig Tidwell, who are to be most highly praised for their contributions to the Indians' record season, as are their teammates:

Mike Gammell	Robin Fowler	Duane Kilough
Greg Barnett	Kenneth Wiley	David Forsyth
David Ball	Todd Graves	Joey Ellington
Chris Steeley	Chuck Brand	Michael Salter
Ronnie King	Brett Shaddix	Chris Slocumb
Steve Chamblee	Jason Glass	Lonnie Ball
Shawn Somerset	Adrian Fitts	Bobby Ferrante
Keith Hamrick	Tim Waldrop	Mike McCombs
James Franklin	Vince Elliott	Jason Bagby
Shannon Dyar	Ricky Mitchell	Elijah McKinney
Bryan Garner	Kenny Birdsong	Terry Loveless
Kevin Coleman	Roddy Mitchell	Joel Shrenk
Patrick Nesmith	Jeff Horsely	Chris Jones
Glen Robertson	Chuck Limbaugh	D. J. Echols
Tommy Loggins	David Lovvorn	Scott Morton
John Coon	Slade Chappell	Jeff Rotenberry
Chris Edmonds	Howard Jones	Tim Johns
Shawn Clevenger	David Meeks	Allan Bailey
Wayne Layton	Terry Corona	Eddie Smith
Brian Smith	Scotty Walden	Andy Washburn
Mark Elsberry	Mike Gates	Ryan Pendleton
Ralph Self	Greg Williams	Mark Bingham
Mike Heis	Wes Justice	Jeff Fairchild
Craig Blakely	Ranagor Tyler; and	

WHEREAS, also indicative of the Indians' great talent, perseverance and will-to-win are the season's stats which post 174 points scored by Pinson Valley and just 117 by their formidable opponents; and

WHEREAS, further to be noted is Principal H. O. Eubanks' full support and promotion, not only of the school's football team, but the entire athletic program which is, of course, a decisive factor in Pinson Valley's accomplishments in all sports; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Pinson Valley High School Indians, as well as Coach Walker and his staff, on their outstanding 1984 football season.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to Mr. Eubanks, principal, for appropriate presentation and display at Pinson Valley High School.

On motion of Rep. Payne, the rules were suspended and the resolution, H. J. R. 100, was adopted.

RESOLUTION

The following resolution was introduced:

By Rep. Brooks:

H. R. 101. URGING CONGRESS TO PURSUE A STRATEGIC DEFENSE INITIATIVE IN ORDER TO PROMOTE PEACE AND ELIMINATE THE THREAT OF WAR; AND ENDORSING THE CONCEPT OF MUTUAL ASSURED SURVIVAL.

WHEREAS, it is the constitutional duty of the United States Government to "provide for the common defense"; and

WHEREAS, the United States Government does not now possess any defensive means of protecting the American people against incoming enemy missiles launched from any country in the world; and

WHEREAS, the shift in the strategic balance in favor of the U.S.S.R. has undermined the credibility of our deterrent, which is based on the doctrine of Mutual Assured Destruction and the use of offensive nuclear weapons; and

WHEREAS, President Ronald Reagan asked a crucial question on March 23, 1983: "Isn't it better to save lives than to avenge them?"; and the United States needs a new strategy of Mutual Assured Survival which can make nuclear weapons obsolete; and

WHEREAS, arms control treaties alone cannot protect us, since even a perfect agreement with the Soviet Union would leave the United States undefended against the threat of nuclear missiles launched accidentally, by a terrorist, or by an irrational decision of a Third World regime; and

WHEREAS, the Soviet Union is moving to defend its people from nuclear attack, and we cannot afford to let the Soviet Union seize the high frontier of space and develop a defensive system before we do; and

WHEREAS, on June 10, 1984, the U. S. Department of Defense successfully conducted a test over the South Pacific which proved that we have current technology to intercept and destroy incoming missiles before they destroy us; and

WHEREAS, a system, commonly known as High Frontier, involving the use of non-nuclear satellites to intercept and destroy nuclear missiles targeted at the United States or the territories of our allies, is currently available; and

WHEREAS, the Strategic Defense Initiative and/or the High Frontier concept offers America a way out of the continuing spiral of building more and more costly offensive weapons because it cannot kill people (it can "kill" only missiles) and it would function to keep war out of space because it is solely defensive; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALBAMA, That we hereby memorialize the Congress of the United States to pursue the development and building of a space-based, non-nuclear defensive system.

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Alabama Congressional Delegation.

SUBSTITUTE OFFERED

Reps. Holley, Johnson (Roy) and Smith offered the following substitute to the resolution, H. R. 101:

H. R. 101. URGING CONGRESS TO PURSUE A STRATEGIC DEFENSE INITIATIVE IN ORDER TO PROMOTE PEACE AND ELIMINATE THE THREAT OF WAR; AND ENDORSING THE CONCEPT OF MUTUAL ASSURED SURVIVAL.

WHEREAS, it is the constitutional duty of the United States Government to "provide for the common defense"; and

WHEREAS, the United States Government does not now possess any defensive means of protecting the American people against incoming enemy missiles launched from any country in the world; and

WHEREAS, the shift in the strategic balance in favor of the U.S.S.R. has undermined the credibility of our deterrent, which is based on the doctrine of Mutual Assured Destruction and the use of offensive nuclear weapons; and

WHEREAS, President Ronald Reagan asked a crucial question on March 23, 1983: "Isn't it better to save lives than to avenge them?"; and the United States needs a new strategy of Mutual Assured Survival which can make nuclear weapons obsolete; and

WHEREAS, arms control treaties alone cannot protect us, since even a perfect agreement with the Soviet Union would leave the United States undefended against the threat of nuclear missiles launched accidentally, by a terrorist, or by an irrational decision of a Third World regime; and

WHEREAS, the Soviet Union is moving to defend its people from nuclear attack, and we cannot afford to let the Soviet Union seize the high frontier of space and develop a defensive system before we do; and

WHEREAS, on June 10, 1984, the U. S. Department of Defense successfully conducted a test over the South Pacific which proved that we have current technology to intercept and destroy incoming missiles before they destroy us; and

WHEREAS, a system, commonly known as High Frontier, involving the use of non-nuclear satellites to intercept and destroy nuclear missiles targeted at the United States or the territories of our allies, is currently available; and

WHEREAS, the Strategic Defense Initiative and/or the High Frontier concept offers America a way out of the continuing spiral of building more and more costly offensive weapons because it cannot kill people (it can "kill" only missiles) and it would function to keep war out of space because it is solely defensive; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That we hereby memorialize the Congress of the United States to pursue the development and building of a space-based, non-nuclear defensive system.

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Alabama Congressional Delegation; and to provide further that we urge President Reagan to support and sign Farm Relief Legislation passed by the Congress of the United States.

SUBSTITUTE ADOPTED

And the substitute was adopted.

RESOLUTION ADOPTED

On motion of Rep. Johnson (Roy), the resolution, H. R. 101 as amended, was adopted.

CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H. R. 101.

Mr. Speaker, Adams, Albright, Beasley, Black, Blake, Blakeney, Boles, Brakefield, Britnell, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Coleman, Davis, Dutton, Escott, Faulk, Flowers, Goodwin, Grouby, Hall, Harvey, Holley, Holmes, Johnson (RG), Johnson (Roy), Kennedy, Lauderdale, Lindsey, McDowell, Mathis, Mitchell, Moore, Newman, Newton, Onderdonk, Parker, Perdue, Poole, Pratt, Rains, Rice, Rogers, Sasser, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Venable, Warren and White (L).

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Bugg, Budget Isolation Resolution, H. B. 3, was adopted.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Box, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Flowers, Goodwin, Grayson, Grouby, Junkins, Kennedy, Lauderdale, Moore, Newman, Newton, Nicholson, Parker, Penry, Rains, Reed, Spratt, Starkey, Thomas, White (L), and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 3. Relating to Etowah County; to provide further for the election of the members of the county board of education; and to provide a referendum and to make effective upon the approval of certain qualified electors at the next county or statewide election.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Carter, Clark (D), Clark (W), Coleman, Davis, Flowers, Goodwin, Grayson, Grouby, Harper, Hettinger, Hooper, Junkins, Kennedy, McDowell, Mitchell, Moore, Newman, Newton, Nicholson, Parker, Rains, Reed, Sasser, Spratt, Starkey, Starr, Thomas, Turner, White (L) and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Dial:

S. J. R. 39. MOURNING THE DEATH OF GEORGE L. BEALE OF ASHLAND, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Buskey (James), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 39, the title of which is set out in the above and foregoing Message from the Senate.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Zoghby, Budget Isolation Resolution, H. B. 526, was adopted.

Yeas 17; Nays 0.

Yeas:

Reps. Box, Britnell, Brooks, Buskey (James), Butler, Clark (W), Coleman, Gaston, Grayson, Harper, Hettinger, Kennedy, Kvalheim, Marietta, Parker, Thomas and Turner.

—17

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 526. (With Amendment): Relating to any Class 2 municipality; providing for a referendum on the question of adoption of a court ordered district commission form of government or a mayor-council form of government; establishing in the alternative said forms of government; providing that the provisions of this act are inseparable and nonseverable; and providing for penalties for violations of certain provisions of this act.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. B. 526, Page 10, Section 18, Line 18, after the word “and” by striking ~~\$250.00~~ and inserting in lieu thereof the following: \$500.00

And the amendment was adopted.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Davis, Flowers, Gaston, Goodwin, Grayson, Grouby, Harvey, Hettinger, Kennedy, Kvalheim, Lauderdale, Mitchell, Moore, Newman, Newton, Parker, Reed, Rogers, Smith, Spratt, Thomas, Turner, White (G) and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Zoghby offered the following amendment to the bill, H. 526 as amended:

Amend H. B. 526, page 1, Section 2, line 29 by striking line 29 in its entirety and substituting in lieu thereof the following: April 16, 1985, said call for the purpose of

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Crow, Davis, Flowers, Gaston, Goodwin, Grayson,

Grouby, Harvey, Hettinger, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Mitchell, Newman, Newton, Nicholson, Parker, Penry, Reed, Rogers, Sasser, Spratt, Starkey, Turner, White (G) and Zoghby

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Kennedy offered the following amendment to the bill, H. 526 as amended:

Amend H. B. 526 on page 2, Section 3, line 26 by striking after the word "the" the following:

~~Court-Ordered~~

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 11; Nays 0.

Yeas:

Reps. Box, Brooks, Buskey (James), Clark (W), Gaston, Grayson, Kennedy, Kvalheim, Newman, Nicholson and Zoghby.

—11

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Kvalheim offered the following amendment to the bill, H. 526 as amended:

On page 22, on line 2 after the words "Housing Board" insert:

, the board of adjustment, the industrial development board, the water and sewer board and the airport authority.

AMENDMENT TABLED

On motion of Rep. Zoghby, the amendment offered by Rep. Kvalheim to the bill, H. 526 as amended, was tabled.

Yeas 5; Nays 2.

Yeas: Reps. Brakefield, Buskey (James), Clark (W), Kennedy and Zoghby.

—5

Nays: Reps. Gaston and Kvalheim.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Kvalheim offered the following amendment #2 to the bill, H. 526 as amended:

On page 22, on line 25 delete the language:

and removable by

On page 22, on line 28 after the period insert:

Said director may be removed by the mayor, provided the mayor has the approval of a majority of the council.

AMENDMENT TABLED

On motion of Rep. Zoghby, the amendment #2 offered by Rep. Kvalheim to the bill, H. 526 as amended, was tabled.

Yeas 4; Nays 2.

Yeas: Reps. Buskey (James), Clark (W), Kennedy and Zoghby.

—4

Nays: Reps. Gaston and Kvalheim.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Gaston offered the following amendment to the bill, H. 526 as amended:

On page 47, lines 31 through 34, delete all the language in subsection (b).

On page 48, lines 1 through 9, delete all the language and renumber subsequent subsections accordingly.

MOTION TO TABLE LOST

The motion offered by Rep. Zoghby to table the amendment offered by Rep. Gaston to the bill, H. 526 as amended, was lost.

Yeas 4; Nays 4.

Yeas: Reps. Buskey (James), Clark (W), Kennedy and Zoghby. —4

Nays: Reps. Box, Gaston, Kvalheim and Newman. —4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Zoghby to indefinitely postpone the amendment offered by Rep. Gaston to the bill, H. 526 as amended, was lost.

Yeas 4; Nays 4.

Yeas: Reps. Buskey (James), Clark (W), Kennedy and Zoghby. —4

Nays: Reps. Box, Gaston, Harper, and Kvalheim. —4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT LOST

The question was then on the amendment offered by Rep. Gaston to the bill, H. 526 as amended, and the amendment was lost.

Yeas 3; Nays 5.

Yeas: Reps. Box, Gaston and Kvalheim. —3

Nays:

Reps. Buskey (James), Clark (W), Escott, Kennedy and Zoghby. —5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 526, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 28; Nays 0.

Yeas:

Reps. Blake, Box, Brooks, Bryant, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Gaston, Goodwin, Grayson, Hall, Harper, Harvey, Hettinger, Kennedy, Kvalheim, Lauderdale, McMillan, Marietta, Parker, Penry, Rains, Thomas, Turner and Zoghby.

—28

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

POINT OF PERSONAL PRIVILEGE

Rep. Burke requested as a matter of personal privilege that while he was temporarily out of the Chamber at the time of voting on the Budget Isolation Resolution, relating to H. B. 114, his machine inadvertently recorded him as voting "Yea" and he would like to be recorded as voting "Nay".

BUDGET ISOLATION RESOLUTION

On motion of Rep. Bowling, Budget Isolation Resolution, H. B. 463, was adopted.

Yeas 36; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blake, Blakeney, Bowling, Brakefield, Brooks, Bryant, Bugg, Buskey (John), Clark (D), Clark (W), Cosby, Faulk, Gaston, Goodwin, Grayson, Hall, Harper, Harvey, Hettinger, Hooper, Junkins, Kennedy, Lauderdale, McMillan, Marietta, Newman, Onderdonk, Parker, Rains, Reed, Starr, Thomas and Zoghby.

—36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 463. To alter or rearrange the boundary lines of the Town of Good Hope, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto in Cullman County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blake, Blakeney, Bowling, Brakefield, Brooks, Bryant, Bugg, Buskey (John), Butler, Carter, Clark (D), Clark (W), Cosby, Faulk, Gaston, Goodwin, Grayson, Hall, Harper, Harvey, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Rains, Reed, Starr, Tanner, Thomas, White (L) and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Bowling, Budget Isolation Resolution, H. B. 464, was adopted.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blake, Blakeney, Bowling, Brakefield, Brooks, Bryant, Bugg, Buskey (John), Carter, Clark (D), Clark (W), Cosby, Faulk, Gaston, Goodwin, Grayson, Hall, Harper, Harvey, Hettinger, Hooper, Kvalheim, Lauderdale, Lindsey, Marietta, Mitchell, Moore, Newman, Onderdonk, Parker, Rains, Reed, Spratt, Starr, Tanner, Thomas, White, (L) and Zoghby.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 464. To alter, or rearrange the boundary lines of the Town of Good Hope, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Black, Blake, Blakeney, Bowling, Brakefield, Brooks, Bryant, Buskey (John), Butler, Carter, Clark (D), Clark (W), Coburn, Cosby, Faulk, Gaston, Goodwin, Grayson, Hall, Harper, Harvey, Hettinger, Hooper, Junkins,

Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Rains, Reed, Spratt, Starr, Tanner, Thomas, White (F) and White (L).

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 102. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That upon reaching the Calendar, all general bills listed below, along with Budget Isolation Resolutions pertinent thereto and attached hereto, shall be made the special, paramount and continuing order of business for the 8th Legislative Day only of the 1985 Regular Session, February 28, 1985, taking precedence over any other business of the House until such time as said resolutions and bills are disposed of:

<u>Bill No.</u>	<u>Sponsor</u>	<u>Short Title</u>	<u>Page</u>
H. 482	Starkey	Ice storms; emergency relief	72
H. 117	Campbell	Classified service; vacancies	11
H. 82	Moore	Schools; ad valorem tax	1
H. 83	Moore	School attendance	53
H. 450	Clark (J)	Bd. of Corrections; bonds	48
H. 385	Warren	State property; inventory	51
H. 258	Zoghby	Local bill advertising	21
H. 102	Starr	Codes adoption by reference	40
H. 193	Trammell	Waiting period for Workmen's Comp.	48
H. 475	Parker	Dept. Indus. Relations; name change	50
H. 397	Faulk	Polling places accessible to handicapped	69
H. 70	Biddle	Committee on Public Health	27
H. 327	Coleman	Real Estate law re-written	23
H. 28	Johnson (Roy)	City Boards of Education	25
H. 285	White (G)	Computer crime; penalties	9
H. 59	Harvey	C.A.; Forest fire protection	47

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H. 60	Harvey	Enabling act; fire protection	47
H. 139	Smith	Petroleum inspection fee	36
H. 223	Hettinger	Controlled substances; school personnel liability	5
H. 252	Cosby	Cahaba River; protection	20

On motion of Rep. Clark (J), the resolution, H. R. 102, was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Starkey, Budget Isolation Resolution, H. B. 482, was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coburn, Cosby, Crow, Davis, Faulk, Goodwin, Gray, Grayson, Hall, Harper, Harvey, Hettinger, Holley, Johnson (RG), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mitchell, Newman, Newton, Onderdonk, Parker, Penry, Perdue, Preuitt, Rains, Reed, Rice, Smith, Spratt, Starkey, Thomas, Trammell, Turner, Warren, White (F), White (G) and White (L).

—62

And the bill:

H. 482. To provide a conditional appropriation of \$5 million from the State General Fund to Madison, Limestone, Morgan, Lauderdale, Colbert, Marion, Lawrence, Franklin, Cullman, Jackson and Winston counties for ice and weather-related damage.

Was taken up.

SUBSTITUTE OFFERED

Rep. Starkey offered the following substitute to the bill, H. 482:

A BILL
TO BE ENTITLED
AN ACT

To provide a conditional appropriation of \$9 million from the State General Fund to counties and municipalities to repair ice and weather-related damage to roads and streets.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated from the State General Fund \$9 million to counties and municipalities to repair ice and weather-related

damage to roads and streets to be conditioned on the availability of funds in the State General Fund and the approval of the Governor. Said appropriation shall be distributed by the Governor to the various counties and municipalities based on a determination of the severity of the damage in the counties and their municipalities.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Ford, Fuller, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, McMillan, Marietta, Martin, Mathis, Mitchell, Moore, Newman, Newton, Nicholson, Parker, Payne, Penry, Perdue, Preuitt, Rains, Reed, Rice, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G) and White (L).

—84

And the bill:

H. 482. To provide a conditional appropriation of \$9 million from the State General Fund to counties and municipalities to repair ice and weather-related damage to roads and streets.

As thus amended, was read a third time at length, passed and ordered engrossed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Faulk, Ford, Fuller, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, McMillan, Marietta, Martin, Mathis, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Preuitt, Rains, Reed, Rice, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—87

BUDGET ISOLATION RESOLUTION

On motion of Rep. Campbell, Budget Isolation Resolution, H. B. 117, was adopted.

Yeas 60; Nays 8.

Yeas:

Mr. Speaker, Adams, Black, Blake, Blakeney, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Faulk, Fuller, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Holley, Hooper, Johnson (RG), Junkins, Laird, Lauderdale, McKee, McMillan, Marietta, Martin, Mitchell, Moore, Newman, Newton, Nicholson, Parker, Penry, Preuitt, Rogers, Smith, Spratt, Starr, Tanner, Thomas, Turner, Venable, Warren, White (F) and White (L).

—60

Nays:

Reps. Beers, Gray, Grayson, Hall, Hettinger, McDowell, Seibels and White (G).

—8

And the bill:

H. 117. To amend Section 36-26-17, Code of Alabama 1975, relating to the manner of filling vacancies in the classified service so as to increase the number of names certified by the state personnel department director.

Was taken up.

MOTION TO POSTPONE TABLED

On motion of Rep. Campbell, the motion offered by Rep. Grayson to postpone consideration of the bill, H. 117, to the ninth legislative day, was tabled.

Yeas 47; Nays 15.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Brakefield, Brooks, Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Dutton, Faulk, Fuller, Gaston, Goodwin, Hammett, Harper, Harvey, Hooper, Johnson (RG), Johnson (Roy), Junkins, Lauderdale, McKee, McMillan, Marietta, Martin, Mathis, Moore, Newman, Newton, Nicholson, Parker, Preuitt, Rice, Smith, Starr, Tanner, Turner, Venable, Warren, White (F) and White (L).

—47

Nays:

Reps. Beers, Black, Bowling, Bryant, Bugg, Crow, Gray, Holley, Kennedy, McDowell, Mitchell, Rains, Seibels, Spratt and White (G).

—15

And the bill, H. 117, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 13.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Box, Britnell, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Faulk,

Fuller, Gaston, Goodwin, Hammett, Harper, Harvey, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Lauderdale, Lindsey, McDowell, McKee, Marietta, Martin, Mathis, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Preuitt, Reed, Rice, Rogers, Smith, Spratt, Starr, Tanner, Thomas, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—64

Nays:

Reps. Bachus, Beers, Black, Boles, Bugg, Gray, Grayson, Holley, Johnson (Roy), McMillan, Rains, Seibels and White (G).

—13

POINT OF PERSONAL PRIVILEGE

Rep. Browder requested as a matter of personal privilege that he inadvertently voted "Yea" on the Budget Isolation Resolution, relating to H. B. 114, and requested the Journal show him voting "Nay".

H. 82 TEMPORARILY POSTPONED

On motion of Rep. Moore, the bill, H. 82, was temporarily postponed.

H. 83 TEMPORARILY POSTPONED

On motion of Rep. Moore, the bill, H. 83, was temporarily postponed.

POINT OF PERSONAL PRIVILEGE

Rep. Escott requested as a point of personal privilege that she inadvertently voted "Nay" on the bill, H. 526, and requested that the Journal show her as not voting on the bill.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Clark (J), Budget Isolation Resolution, H. B. 450, was adopted.

Yeas 77; Nays 0

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Boles, Bowling, Box, Britnell, Brooks, Browder, Bugg, Burke, Buskey (James), Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Faulk, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Mathis, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—77

And the bill:

H. 450. To amend H. 9, enacted as Act No. 85-125, enacted at the First Special Session of the 1985 Alabama Legislature, which amended various

provisions of Chapter 2 of Title 14 of the Code of Alabama 1975 relating to the Alabama Corrections Institution Finance Authority, in order to authorize the Authority to sell its bonds by private sale; and to permit bonds of the Authority to be sold with a maximum term of 30 years.

Was taken up.

AMENDMENT OFFERED

Rep. Brooks offered the following amendment to the bill, H. 450:

Amend H. B. 450 on page 2, Section 2, line 37 by adding after the word(s) "all bids" the following: No person, firm, corporation or partnership (or any employee, officer or agent thereof) may purchase any bonds at a private sale or negotiation and no person, firm, corporation or partnership (or any employee, officer or agent thereof) may profit from or receive commissions from any private bond sale or negotiations thereon if such person, firm, corporation, or partnership (or any employee, officer or agent thereof) has, within six months prior to said private sale or negotiation, contributed, or pledged any contributions, to the governor of this state, or to the governor's political campaign committee or fund, or has contributed, or pledged any contributions to any person, political action committee, or other entity with the expectation or understanding that all or a portion of the contribution will go to the governor of this state or to the governor's political action committee or fund. No person, firm, corporation, or partnership (or any employee, officer or agent thereof) who has purchased any of said bonds at a private sale or by negotiation or who has received a commission or any money as a result of its, his or her role in the private sale or negotiation shall, for one year after said act, contribute or pledge any contributions to the governor of this state, or to the governor's political campaign committee or fund, or to any person, political action committee, or other entity with the expectation or understanding that all or a portion of the contribution will go to the governor of this state or to the governor's political action committee or fund.

AMENDMENT TABLED

On motion of Rep. Clark (J), the amendment offered by Rep. Brooks to the bill, H. 450, was tabled.

Yeas 66; Nays 11.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Bowling, Britnell, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Carothers, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Mathis, Moore, Newman, Newton, Nicholson, Onderdonk, Penry, Pratt, Preuitt, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Thomas, Turner, Venable, Warren, White (F), White (L) and Zoghby.

Nays:

Reps. Bachus, Beers, Box, Brooks, Butler, Harper, McMillan, Parker, Rains, Seibels and White (G).

—11

And the bill, H. 450, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 9.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Fuller, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Mathis, Moore, Newman, Newton, Nicholson, Onderdonk, Penry, Perdue, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—75

Nays:

Reps. Bachus, Beers, Brooks, Butler, Gray, Holley, Payne, Seibels and White (G).

—9

BUDGET ISOLATION RESOLUTION

On motion of Rep. Warren, Budget Isolation Resolution, H. B. 385, was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Escott, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Holley, Hooper, Johnson (RG), Junkins, Kennedy, Laird, Lauderdale, McMillan, Marietta, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Pratt, Preuitt, Rains, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—69

And the bill:

H. 385. To amend 41-1-6, Code of Alabama 1975, relating to inventory of certain personal property by state agencies and departments, so as to provide for an annual inventory.

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Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Flowers, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McMillan, Marietta, Mathis, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—81

BUDGET ISOLATION RESOLUTION

On motion of Rep. Zoghby, Budget Isolation Resolution, H. B. 258, was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Black, Blake, Blakeney, Boles, Bowling, Box, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Dutton, Faulk, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, McMillan, Marietta, Mathis, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Seibels, Smith, Spratt, Tanner, Thomas, Trammell, Turner, Warren, White (F), White (G), White (L) and Zoghby.

—72

And the bill:

H. 258. Proposing an amendment to Amendment 341 to amendment of section 106, Constitution of 1901, relating to publication and notice of intent to apply for local legislation affecting counties and municipalities.

Was taken up.

AMENDMENT OFFERED

Rep. Onderdonk offered the following amendment to the bill, H. 258:

Amend House Bill 258, page 1, in the Synopsis, by striking lines 14 through 16 in their entirety and substituting in lieu thereof the following: notice for one hundred twenty calendar days from the date of the last day of the session in which it is first introduced, whether regular or special,

And on page 2, section 1, by striking lines 27 through 34 in their entirety and substituting in lieu thereof the following:

notice shall be valid notice for one hundred twenty calendar days from the date of the last day of session in which it is first introduced, whether regular

or special, without readvertising for subsequent sessions within the one hundred twenty day period provided that the identical language in the first notice is identical to that which is introduced. After the expiration of the one hundred twenty day period such notice shall be required again. The courts shall pronounce void every

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 60; Nays 7.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Bowling, Britnell, Brooks, Bryant, Buskey (James), Buskey (John), Butler, Carothers, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Davis, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Holley, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, Lauderdale, McDowell, McMillan, Marietta, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Penry, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Seibels, Spratt, Starr, Turner, White (F) and White (L).

—60

Nays:

Reps. Bachus, Bugg, Crow, Payne, Rains, Tanner and Zoghby.

—7

AMENDMENT OFFERED

Rep. Hettinger offered the following amendment to the bill, H. 258 as amended:

Amend H. B. 258, Section 1, Page 2, line 32 by adding after the word(s) introduced. the following: Unless a bill is advertised by a member of the House or Senate with his/her name prominently displayed, the County will not be responsible for paying for the advertising.

MOTION TO TABLE LOST

The motion offered by Rep. Holley to table the amendment offered by Rep. Hettinger to the bill, H. 258 as amended, was lost.

Yeas 27; Nays 31.

Yeas:

Mr. Speaker, Beasley, Black, Blake, Blakeney, Bryant, Buskey (John), Carothers, Clark (J), Clark (W), Cosby, Dutton, Escott, Hammett, Holley, McDowell, McMillan, Newton, Onderdonk, Parker, Penry, Pratt, Preuitt, Rogers, Spratt, Tanner and Turner.

—27

Nays:

Reps. Albright, Beers, Bowling, Box, Brakefield, Britnell, Brooks, Bugg, Butler, Gaston, Gray, Grayson, Hall, Harper, Hettinger, Holmes, Johnson (RG),

Kvalheim, Laird, Lauderdale, Marietta, Mathis, Mitchell, Newman, Nicholson, Payne, Rains, Rice, Richardson, Seibels and White (G).

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POINT OF PERSONAL PRIVILEGE

Rep. Parker requested as a point of personal privilege that the Journal show that he inadvertently voted "Yea" on the motion to table the amendment offered by Rep. Brooks to the bill, H. 450, and requested that the Journal show him voting "Yea".

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bill hereinafter mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 1:25 p.m. on February 28, 1985.

H. 339

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Holley, the House adjourned until 3:00 o'clock p.m., Tuesday, March 5, 1985.

Yeas 44; Nays 38.

Yeas:

Mr. Speaker, Albright, Beasley, Black, Bowling, Brakefield, Britnell, Brooks, Bryant, Buskey (James), Buskey (John), Campbell, Carothers, Clark (D), Crow, Davis, Dutton, Escott, Goodwin, Hall, Hammett, Holley, Johnson (RG), Kennedy, Laird, Lauderdale, Lindsey, McDowell, Mathis, Mitchell, Newman, Newton, Payne, Pratt, Reed, Rice, Rogers, Spratt, Starkey, Tanner, Thomas, Venable, Warren and White (L).

—44

Nays:

Reps. Adams, Bachus, Beers, Biddle, Blake, Blakeney, Boles, Box, Bugg, Clark (W), Coleman, Cosby, Faulk, Fuller, Gaston, Gray, Grayson, Grouby, Harper, Hettinger, Holmes, Hooper, Kvalheim, McMillan, Marietta, Nicholson, Onderdonk, Penry, Poole, Rains, Richardson, Seibels, Smith, Starr, Trammell, Turner, White (G) and Zoghby.

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NINTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, March 5, 1985

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Edwin Young, Central Baptist Church of Dixon Mills, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson, (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eighth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark (J), the reading at length of the Journal of the House for the eighth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the eighth legislative day was approved.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Campbell:

H. R. 103. WELCOMING MR. OLAF GOERANSSON OF HUSKVARNA, SWEDEN.

BILLS ON SECOND READING

Rep. Cosby, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 349. To amend Sections 27-38-1, 27-38-5 and 27-38-6 of the Code of Alabama, 1975, relating to separate accounts and variable contracts; to clarify statutory language and intent concerning variable life insurance and annuity contracts.

H. 391. To amend Section 36-19-41 and Section 36-19-43, Code of Alabama 1975, as amended, which relate to the furnishing of information of fire damages and losses, so as to provide that the state fire marshal, law enforcement agencies, and insurance companies will make available to each other certain information regarding fire losses of real or personal property.

H. 390. To amend Section 36-19-24 of the Code of Alabama 1975, relating to reports of fire losses on all property insured within the state so as to require such reports only on those fire losses where the loss exceeds the amount of \$500.00.

Rep. Cosby, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 600. (With Substitute): To create the Alabama Manufactured Housing Commission; to express legislative intent to relieve the fire marshal division of the insurance department of certain duties; to provide for the functions, duties, powers, membership, compensation, terms of office, meetings and other business of the commission; to create a special revolving fund for the commission; to authorize the commission to promulgate rules and regulations and to enter contracts and perform specific duties relative to the standards for the construction of manufactured housing and buildings; and to provide that the functions, powers, authority and duties provided by law, specifically but not limited to Sections 24-5-1 through 24-5-14, 25-5-30 through 25-5-34; 24-4A-1 through 24-4A-7 and Title 24, Chapter 4N, Title 36, Chapter 19N and Title 41, Chapter 9, Article 8, all of the Code of Alabama 1975, and all books, records, supplies and those remaining funds collected since October 1, 1984, which have not been expended since that date, pursuant to and under the authority of the aforesaid acts through legislative budgetary appropriation and otherwise, and pertaining to such housing, including all equipment, personal property, documents, files and personnel of the fire marshal's division subject to and authorized by said code sections, articles and chapters and relating thereto shall be transferred to the Alabama Manufactured Housing Commission.

Rep. Cosby, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 392. To amend Section 27-19-38, Code of Alabama 1975, which provides for dependent coverage of newly born children in health insurance policies issued by nonprofit service corporations, so as to provide that all health insurance contracts issued by insurance companies doing business in this state shall provide coverage for such newly born children.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 124. To amend Section 29-7-4, Code of Alabama 1975, relating to the compensation and employment of personnel by the Legislative Reference Service, so as to further provide for the hiring of said personnel.

H. 590. To create the Water Pollution Control Grant Fund and authorize the Alabama Department of Environmental Management to make grants to any county, municipality or public corporation, agency or instrumentality, from such fund for the purpose of constructing sewage treatment facilities and to adopt rules and regulations to carry out the provisions of this Act.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 615. (With Amendment): To provide an appropriation of \$50,000 from the State General Fund to the State Department of Finance for Alabama's share of expenses for the opening ceremonies of the Tennessee-Tombigbee Waterway.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 616. To provide for the hiring of clerical assistance for the District Attorney of the 32nd Judicial Circuit, which is composed of Cullman County, and to specifically repeal Act No. 123, H. 219, Regular Session 1971 (Acts 1971, p. 402).

H. 617. Relating to Lauderdale County; to amend further Section 2 of Act No. 88, S. 181, 1959 Regular Session (Acts 1959, p. 509), which act provides for the county law library, so as to provide further for the collection of court costs for the maintenance of said library.

Rep. Boles, Chairman of the Standing Committee on Local Legislation No. 2 reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 39. To alter and rearrange the boundaries of the City of Fulda, Alabama, to include within the corporate limits of such city certain described territory, and only the territory within the rearranged boundary described.

S. 48. To authorize the Board of Managers of the City of Birmingham Retirement and Relief System to consider the application of Jessie James White for a pension based upon extraordinary disability and to award such pension if, in the judgment of the board of managers, such pension is required; and to provide for the conditions and limitations applying to such pension.

S. 117. To authorize the Board of Managers of the City of Birmingham Retirement and Relief System to consider the application of Catherine E. Robertson for a pension based upon extraordinary disability and to award such pension if, in the judgment of the board of managers, such pension is

required; and to provide for the conditions and limitations applying to such pension.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 633. Relating to Mobile County; establishing the Mobile County Conservation Office as a division of the Mobile County sheriff's office under his supervision and control; authorizing the sheriff to employ certain employees; to prescribe qualifications and duties of such employees; to provide for the salary range and equipment to be provided by the sheriff; and to provide funding from the general fund of the county treasury. In the event such funding is not available then the county commission is authorized to increase fishing and hunting licenses in an amount not to exceed \$1.00 on each license sold in Mobile County.

H. 638. Relating to Mobile County; providing that any municipality within the county, which collects taxes levied by the municipality on any athletic events held by any school shall be refunded to the athletic department of the school from which such taxes were collected.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Campbell:

H. 654. To amend Section 20-2-80, Code of Alabama 1975, which relates to trafficking in illegal drugs, so as to increase the penalties for trafficking; to establish the offense of continuing criminal enterprise for the purpose of trafficking in illegal drugs.

Committee on Judiciary.

By Rep. Mathis (With Notice and Proof):

H. 655. Relating to Geneva County; providing an expense allowance to the superintendent of education for the period retroactive from July 1, 1984, through June 30, 1985, payable from the county treasury; and providing for an automatic repealer July 1, 1985.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 655, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Mathis (With Notice and Proof):

H. 656. Relating to the salary of the Geneva County Superintendent of Education; establishing an index range for such salary parallel to the current salary for teachers holding the same academic degree, certification level and experience; providing for the Geneva County Board of Education to set such salary.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 656, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Campbell:

H. 657. To regulate all security guards in this State; to provide a title; to define certain terms; to create the Alabama Private Security Regulatory Board; to provide for powers and duties of such Board; to provide for licenses for persons engaged in a private security business; to provide for registration of proprietary and contract security guards; to provide for registration fees; to provide for qualifications; to provide for training requirements; to provide for carrying of firearms; to provide for uniform and motor vehicle identifying insignia; to provide for unlawful acts; and to provide for an effective date.

Committee on Judiciary.

By Reps. Coleman, Newman, Junkins, Bowling, Burke, and Davis:

H. 658. To amend Sections 34-7-1, 34-7-2, 34-7-3, 34-7-4, 34-7-5, 34-7-9, 34-7-11, 34-7-16, 34-7-17, 34-7-19 and 34-7-40, Code of Alabama 1975, which provide for and regulate the practice of cosmetology, so as to provide further for said practice.

Committee on Highway Safety.

By Rep. Hall (With Notice and Proof):

H. 659. Relating to Madison County; providing for a countywide referendum election to determine if the electors of the county desire to change the method of electing associate county commissioners and providing for a subsequent referendum election on plans for implementing such change only upon majority approval of such change in the initial referendum election.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 659, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Ford:

H. 660. Relating to Gadsden State Community College, to create the position of president emeritus; and to provide for the selection of and salary, office space, secretarial help, qualifications and fund raising responsibilities of the person serving in said position.

Committee on Ways and Means.

By Rep. Onderdonk:

H. 661. To require any person or entity desiring to operate an amusement ride or amusement attraction in the State of Alabama to make application for and obtain a permit to do so; to require the designation of an agent for service of process; to require proof of liability insurance coverage for personal injury, death or property damage as a condition of obtaining such permit; and to provide penalties for violations.

Committee on Judiciary.

By Reps. Kvalheim and Gaston:

H. 662. To exempt The Arthritis Foundation, Inc., from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Reps. Faulk and Smith:

H. 663. Relating to the soil classifiers fund in the state treasury created by section 34-32-19, Code of Alabama 1975, to amend said section so as to increase the automatic annual appropriation to said fund.

Committee on Ways and Means.

By Rep. Holley:

H. 664. Relating to elections; to provide additional time for overseas Americans to make application for, receive and return absentee ballots; and for such purpose to amend Code of Alabama 1975, Sections 17-10-3, 17-10-5, 17-10-12, 17-10-13, 17-10-14, and 17-16-11; and to provide an effective date.

Committee on Military Affairs.

By Rep. Holley:

H. 665. To amend Section 40-17-143, Code of Alabama 1975, so as to remove the general bonding requirements of interstate motor carriers; to authorize the commissioner to require bonds in certain cases, and to provide for a one-time application fee and to provide for an effective date.

Committee on Public Utilities and Transportation.

By Reps. Blakeney and Onderdonk:

H. 666. To amend Section 40-6-3, Code of Alabama 1975, which provides for the compensation of supernumerary tax collectors, assessors, license commissioners or other persons charged with assessing ad valorem taxes so as to provide further for the compensation of those officials whose compensation was fixed at \$6,500.00 per year by Act No. 309, Regular Session 1977.

Committee on Ways and Means.

By Reps. White (F), Faulk, and Reed:

H. 667. To enact the Interstate Corrections Compact into law and to provide for the permanent or temporary interstate transfer of offenders and prisoners between Alabama and such other states as may legally join into the interstate corrections compact and contract for said transfer with the Commissioner of the Alabama Department of Corrections.

Committee on State Administration.

By Reps. White (F), Faulk, and Reed:

H. 668. To amend Section 14-1-14, Code of Alabama 1975, relating to the Corrections revolving fund, so as to increase said fund.

Committee on Ways and Means.

By Rep. Johnson (Roy):

H. 669. Revising the Laws of Alabama in Title 40 of the Code of Alabama as amended, providing for timely mailing as timely filing, conforming certain rules concerning the determination of basis to the federal income tax rules; removing restrictions on eligibility to elect Alabama S Corporation status; conforming certain rules concerning the recognition of gains to the federal income tax rules; deleting obsolete provisions; providing for the taxation of corporate distributions; extending the filing deadline where an extension of time for filing has been requested; exempting from the income tax certain charitable, educational, etc. organizations; imposing a tax on unrelated business taxable income of certain otherwise exempt organizations; modifying certain deductions of corporations; modifying the individual net operating loss deduction and making permanent the corporate net operating loss deduction; allowing a deduction of amortized portions of the expenses of organizing a corporation; conforming the rules concerning installment sales to reflect the current federal income tax rules and modifying such rules to limit the avoidance of the Alabama income tax; and providing that the above changes shall, with specified exceptions, take effect for taxable years beginning after December 31, 1984.

Committee on Ways and Means.

By Rep. Johnson (Roy) (With Notice and Proof):

H. 670. Relating to Tuscaloosa County; providing additional compensation for poll workers and poll officials, payable from any unencumbered funds in the county treasury.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 670, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Johnson (RG) (With Notice and Proof):

H. 671. To extend, alter and rearrange the boundary lines and corporate limits of the City of Sylacauga, Talladega County, Alabama.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 671, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Grouby:

H. 672. Relating to tax emptions from the payment of all municipal, county and state gross receipts and sales taxes for the Prattville Crime Prevention Agency, Inc., Autauga County; making the provisions retroactive.

Committee on Ways and Means.

By Reps. Payne, Rice, and Reed:

H. 673. To amend Section 38-7-2, Code of Alabama 1975, relating to child care, so as to redefine the term "day care home" and provide further therefor.

Committee on Public Welfare.

By Rep. Turner:

H. 674. To provide authority for the governing body of any Class 2 municipality covered by the Employees' Retirement System of Alabama, with the consent of the Board of the Employees' Retirement System of Alabama, to provide credit for the prior service of new employees to the extent of their prior service with public employers eligible for coverage under the Employees' Retirement System of Alabama, to provide for special membership service, to define prior service, to provide procedures and to prohibit discrimination in the application of the provisions of this Act.

Committee on Ways and Means.

By Rep. Johnson (Roy):

H. 675. To amend Section 17-4-153, Code of Alabama 1975, relating to expense allowances for registrars, so as to provide for an increase.

Committee on Ways and Means.

By Rep. Mitchell:

H. 676. To amend Section 40-23-7 of the Code of Alabama 1975, relating to when monthly taxes are due in regard to the Contractors Gross Receipts Tax to make the monthly installments and filing of reports due on or before the fifteenth day of the month.

Committee on Ways and Means.

By Rep. Mitchell:

H. 677. To amend Section 40-21-56 of the Code of Alabama 1975, relating to when the license or privilege taxes will be due in regard to sellers of hydroelectric power to make the tax due on August 25 of each year.

Committee on Ways and Means.

By Rep. Mitchell:

H. 678. To amend Section 40-21-58 of the Code of Alabama 1975 relating to when the license on privilege tax will be due in regard to those persons engaged in the telephone business to make the tax due on August 25 of each year.

Committee on Ways and Means.

By Rep. Holley:

H. 679. To provide further for the annual salary of the state treasurer, state auditor, and secretary of state of this state.

Committee on Ways and Means.

By Reps. Fuller and Laird (With Notice and Proof):

H. 680. Relating to Chambers County; authorizing the county commission to provide a certain additional expense allowance for the sheriff to be paid from the county general fund.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 680, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Campbell:

H. 681. To amend Section 12-17-224, Code of Alabama 1975, which provides for the establishment of the Special Services Division of the District Attorney's Office of each Judicial Circuit, so as to provide further for the fees collected pursuant to the provisions of the unit.

Committee on Judiciary.

By Rep. White (F):

H. 682. To amend Sections 15-18-80, 15-18-81, 15-18-82, 15-18-83, and 15-18-84, Code of Alabama 1975, relating to the execution of death sentences by the state penal system; to delete specific references to Holman prison in procedures for the execution of death sentences; and to convey authority to the Commissioner of the Department of Corrections to designate locations for procedures for the execution of death sentences.

Committee on State Administration.

By Reps. Kvalheim, Gaston, Marietta, and Fuller:

H. 683. To amend Section 32-7-39, Code of Alabama 1975, which relates to the expenses of administering the Motor Vehicle Safety-Responsibility Act, so as to delete the limit of \$100,000.00 per annum set in said section.

Committee on Ways and Means.

By Rep. Boles:

H. 684. To provide a subsistence allowance for police communication officers employed by the Department of Public Safety while on duty and to make an appropriation for that purpose.

Committee on Ways and Means.

By Reps. White (L), Ford, Coleman, and Hall:

H. 685. To provide that a court of this State may require an obligor to post bond, give security, or give some other guarantee to secure the payment of support.

Committee on Judiciary.

By Reps. Rogers, Newton, Perdue, Bachus, Davis, White (G), Spratt, McDowell, Escott, Seibels, Payne, and Trammell:

H. 686. To exempt the Birmingham Jaycees, Inc., Birmingham, Alabama, from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Reps. Tanner and Moore (With Notice and Proof):

H. 687. Relating to Shelby County; prohibiting the sale of the Shelby County Medical Center without prior referendum approval of such sale by

the qualified electors of the county and providing for holding such referendum election.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 687, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Coleman, Junkins, Newman, Burke, Lindsey, Flowers, Preuit, White (L), Lauderdale, Clark (D), Parker, Escott, Davis, and Rogers:

H. 688. To amend Section 32-9-20, Code of Alabama 1975, which provides for the size and weight of trucks on state highways, so as to provide further for the size of vehicles transporting agricultural commodities.

Committee on State Administration.

By Reps. Coleman, Junkins, Newman, Burke, Lindsey, Flowers, Preuit, White (L), Lauderdale, Clark (D), Parker, Escott, Melton, Davis, and Rogers:

H. 689. To further amend Section 32-6-8, Code of Alabama 1975, relating to the operation of motor vehicles by learners, so as to change the name and content of such license to "restricted learner's license" with a photograph in color; change the fees, the period of validity and the examination requirements; and to authorize a license commissioner to make such issuance.

Committee on State Administration.

By Reps. Perdue, Rogers, and Escott (With Notice and Proof):

H. 690. To further amend Sections 3.01, 3.03, 3.12 and 4.01 of Act No. 452 of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, p. 1004), as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent federal census, so as to provide that both the mayor and council shall take office on the fourth Tuesday in November of the year of their election, and to further provide that the first meeting of each newly elected council shall be held on the fourth Tuesday in November of the year of its election.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 690, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Perdue, Rogers, Davis, White (G), Spratt, and Escott (With Notice and Proof):

H. 691. To amend Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended by Act No. 1272, 1973 Regular Session (Acts 1973, p. 2124), and as previously and subsequently amended, which created a retirement system for officers and employees in cities of two hundred

thousand or more inhabitants according to the latest federal decennial census, so as to provide further for the payments of benefits during periods of reemployment.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 691, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Perdue, Rogers, and Escott (With Notice and Proof):

H. 692. To amend Section 4.04 of Act No. 452, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 (Acts of 1955, p. 1004), as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent federal census, to provide the method for determining the annual salary to be paid to the mayor of such city.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 692, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Perdue, Rogers, and Escott (With Notice and Proof):

H. 693. To provide authority to the governing body of Class 1 municipalities in Alabama to grant an expense allowance to its members for attending business of the city within the municipal corporate limits; to provide that the provisions hereof are severable; and to repeal all laws or parts of laws in conflict herewith.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 693, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 482. To provide a conditional appropriation of \$9 million from the State General Fund to counties and municipalities to repair ice and weather-related damage to roads and streets.

JIMMY CLARK.
Chairman.

And the bill, H. 482 as engrossed, was sent to the Senate.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Hooper, Drake, Clark (J), Beers, White (G), Seibels, Kvalheim, Gaston, Holmes, Starr, Buskey (John), Flowers, Turnham, Warren, Zoghby, Burke, Smith and Newman:

H. J. R. 104. COMMENDING GOVERNOR GEORGE C. WALLACE ON HIS APPOINTMENT OF WINTON M. BLOUNT TO THE ALABAMA TRUST FUND BOARD OF TRUSTEES.

WHEREAS, Act 85-79 of the 1985 First Special Session of the Legislature established The Alabama Trust Fund to be funded with moneys derived by the state from the sale or leasing of offshore oil, gas and minerals, and further created a board of trustees to manage said trust fund, with three of the nine-member board to be appointed by the governor; and

WHEREAS, Governor Wallace's keen awareness of the perpetual benefit of The Alabama Trust Fund for the state and citizens thereof is reflected in the calibre of his appointments, such as that of Winton M. Blount, Jr., of Montgomery; and

WHEREAS, Mr. Blount is chairman and chief executive officer of Blount, Inc., a Montgomery-based, international company with operations in three basic industries: construction, agribusiness and specialty steel; annual revenues of the corporation exceed 800 million dollars; and

WHEREAS, Winton Blount, former Postmaster General of the United States and member of the President's Cabinet, also is a past president of the United States Chamber of Commerce and currently serves as a director of Union Camp Corporation, Munford, Inc., and World Mail Center, Inc.; and

WHEREAS, further indicative of Mr. Blount's commanding stature are multiple honorary doctorates conferred by such prestigious institutions as the University of Alabama, Rhodes College, Saint John's and Samford Universities, and by Judson, Seattle-Pacific, Huntingdon and Washington and Jefferson Colleges; he also is the recipient of countless distinguished awards including the Annual Gold Medal bestowed by Pope John Paul II in 1981; and

WHEREAS, Winton M. Blount is indeed a man of singular ability and accomplishment, a dedicated public servant who walks in the way of honor and serves in the light of truth; he has given generously of himself and his worth and, above all, has accepted ever willingly the responsibilities of a dutiful citizen and, through his service as a trustee of The Alabama Trust Fund, our state is beneficiary of his proven sound judgment and financial acumen; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Governor George C. Wallace on his judicious appointment of Winton M. Blount to the board of trustees of The Alabama Trust Fund, and direct that a copy of this resolution be forwarded to Governor Wallace and that a copy also be provided for the Honorable Winton Blount of Montgomery.

On motion of Rep. Hooper, the rules were suspended and the resolution, H. J. R. 104, was adopted.

Also:

By Rep. Newman:

H. J. R. 105. COMMENDING MR. HOWARD BOLLING OF FAYETTE, ALABAMA'S PAROLE AND PROBATION OFFICER OF THE YEAR.

WHEREAS, in consensus of commendation, the Alabama Legislature extends heartiest congratulations to Mr. Howard Bolling of Fayette, Alabama, upon his selection as Alabama's Parole and Probation Officer of the Year; and

WHEREAS, it is further to be noted, that Mr. Bolling was selected for this signal honor from among 125 officers, statewide; and

WHEREAS, Mr. Bolling, who has more than 25 years of service as a parole and probation officer, has been assigned to the Fayette Office since November 1982, having served previously in assignments with the Colbert, Franklin, Lauderdale and Madison County offices, including three years as juvenile probation officer in Lauderdale County; and

WHEREAS, in addition to his duties relative to all facets of the probation and parole process, including supervisory and pre-sentence investigative responsibilities, Mr. Bolling is dedicated in his efforts to assist those under his supervision in their desire to seek and live productive lives; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly commend Mr. Howard Bolling of Fayette, Alabama; we further congratulate him as Alabama's Parole and Probation Officer of the Year and direct that he receive a copy of this resolution expressing our utmost esteem.

On motion of Rep. Newman, the rules were suspended and the resolution, H. J. R. 105, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Grayson and Hettinger:

H. R. 106. WELCOMING ALPHA KAPPA ALPHA SORORITY, INC., TO HUNTSVILLE, ALABAMA, FOR ITS 53RD SOUTHEASTERN REGIONAL CONFERENCE, MARCH 7-9, 1985.

Also:

By Rep Beers:

H. R. 107. COMMENDING FAYE B. ANDERSON FOR OUTSTANDING CONTRIBUTIONS TO THE HOOVER COMMUNITY.

Also:

The following resolutions were introduced:

By Rep. Dutton:

H. J. R. 108. NAMING A PORTION OF THE NEW FOUR-LANE ALABAMA HIGHWAY 24, THE "GORDON TERRY PARKWAY."

WHEREAS, Grand Ole Opry star, Gordon Terry, is a native of Caddo in Lawrence County, Alabama; and

WHEREAS, as a world renowned fiddle player, Gordon Terry has brought great honor to his profession and to the world of country music; and

WHEREAS, Mr. Terry, who for many years was with the Merle Haggard Band, currently is associated with the Mel Tillis group, and is regularly featured on the Grand Ole Opry and in appearances throughout the country; and

WHEREAS, in recognition of Mr. Terry's contributions to country music and outstanding achievement, it is entirely fitting and proper that his name be perpetuated in appropriate fashion and that his accomplishments be acknowledged through means of permanent honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate that portion of the new four-lane Alabama Highway 24, from the western limit of the City of Decatur to the western limit of Molton, Alabama, as the "Gordon Terry Parkway."

BE IT FURTHER RESOLVED, That the proper authority is hereby authorized to erect and maintain appropriate signs and markers at both the extremities and at the mid-point of said highway portion, so designating the "Gordon Terry Parkway."

RESOLVED FURTHER, That a copy of this resolution be presented to Mr. Terry as a memento of this honorary designation of the Legislature.

On motion of Rep. Dutton, the rules were suspended and the resolution, H. J. R. 108, was adopted.

Also:

By Rep. Jenkins:

H. J. R. 109. CONGRATULATING MR. AND MRS. JAMES HOYT ROBERTS ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Legislature of Alabama notes with great pleasure the Golden Wedding Anniversary, on December 5, 1984, of Mr. and Mrs. James Hoyt Roberts of Auburn, Alabama; and

WHEREAS, Mr. and Mrs. Roberts were married December 5, 1934, and have since lived their lives as one, devoted each to the other; they have remained steadfastly faithful to their marriage vows, setting an enviable example for others; and

WHEREAS, Mr. and Mrs. Roberts are the parents of Mr. and Mrs. Gary Mack Roberts, Mr. and Mrs. Dean Akin and Mr. and Mrs. David Canon, Jr., who hosted a reception in their parents' honor on December 9, 1984; the gala was attended by the couple's grandchildren, other relatives and many, many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple, Mr. and Mrs. James Hoyt Roberts of Auburn, Alabama, and wish them many more happy years together.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mr. and Mrs. Roberts that they may know of our congratulations and of our warm best wishes on this momentous occasion.

On motion of Rep. Junkins, the rules were suspended and the resolution H. J. R. 109, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Junkins:

H. R. 110. MOURNING THE DEATH OF PRESTON T. PHILLIPS OF GADSDEN, ALABAMA.

Also:

The following resolutions were introduced:

By Rep. Ford:

H. J. R. 111. COMMENDING THE LITCHFIELD HIGH SCHOOL BASKETBALL TEAM.

WHEREAS, the Litchfield High School Class 4A Basketball Team known as the "Eagles" has had an outstanding season with a 30-9 team record for the 1985 season; and

WHEREAS, the team under the coaching direction of Head Coach Hal Davidson and Assistant Coach David Bradford have guided these young men to victories for their school; and

WHEREAS, Coach Davidson in his third year as Head Coach has had his best season taking his team to the Alabama High School Athletic Association 4A basketball playoffs; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate the Litchfield High School Basketball Team for their outstanding record; and

BE IT FURTHER RESOLVED, That Coach Davidson receive a copy of this resolution on behalf of his staff and team, with a copy provided for appropriate school display.

On motion of Rep. Ford, the rules were suspended and the resolution, H. J. R. 111, was adopted.

Also:

By Rep. Ford:

H. J. R. 112. COMMENDING THE ETOWAH HIGH SCHOOL BASKETBALL TEAM.

WHEREAS, the Etowah High School Class 5A, Area 13, Basketball Team known as the "Blue Devils" has had an outstanding season with a record of 18-9 for the 1985 season; and

WHEREAS, the team under the coaching direction of Head Coach Gid Riddle and Assistant Coach Dale Adams have guided these young men to victories for their school; and

WHEREAS, this is the first time since 1948 that the basketball team has gone to the Alabama High School Athletic Association 5A basketball playoffs; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate the Etowah High School Basketball Team for their outstanding record; and

BE IT FURTHER RESOLVED, That Coach Riddle receive a copy of this resolution on behalf of his staff and team, with a copy provided for appropriate school display.

On motion of Rep. Ford, the rules were suspended and the resolution, H. J. R. 112, was adopted.

Also:

By Reps. Holmes, Reed, Kennedy, Thomas and Black:

H. J. R. 113. Welcoming Visitors to Alabama.

WHEREAS, this year, 1985, marks the 20th Anniversary of the 1965 famous Selma to Montgomery March; and

WHEREAS, it is the intent and desire of the State of Alabama that all of the people be able to register and vote; and

WHEREAS, the famous Selma to Montgomery March, led by Dr. Martin Luther King, Jr., eventually led to the passage of the 1965 Voting Rights Act, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate and welcome the many visitors to the State of Alabama on this 20th Anniversary of the 1965 Selma to Montgomery March on the State Capitol in Montgomery, Alabama.

On motion of Rep. Holmes, the rules were suspended and the resolution, H. J. R. 113, was adopted.

Also:

By Rules Committee:

H. R. 114. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That upon reaching the Calendar, all uncontested local bills along with Budget Isolation Resolutions pertinent thereto and attached hereto shall be made the special, paramount and continuing order of business for the 9th Legislative Day only, March 5, 1985, taking precedence over any other business of the House until such time as said resolutions and bills are disposed of:

All uncontested local bills in the order as they appear on the Calendar

On motion of Rep. Johnson (Roy), the resolution, H. R. 114, was adopted.

MOTION TO ADJOURN

Rep. Holmes offered the motion that when the House adjourns today, it adjourns to meet again at 10:00 o'clock a.m. Thursday, March 7, 1985.

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Johnson (Roy) that when the House adjourns today, it adjourns to meet again at 12:00 o'clock noon, Wednesday, March 6, 1985, was lost.

Yeas 24; Nays 63.

Yeas:

Mr. Speaker, Albright, Biddle, Burke, Coburn, Flowers, Gaston, Goodwin, Harper, Hettinger, Holley, Hooper, Johnson (Roy), Junkins, Lauderdale, McKee, McMillan, Marietta, Parker, Penry, Poole, Smith, Turnham and Warren.

—24

Nays:

Reps. Adams, Beasley, Beers, Black, Blakeney, Boles, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Coleman, Davis, Dutton, Escott, Faulk, Fuller, Gray, Grayson, Grouby, Hall, Harvey, Holmes, Kennedy, Laird, McDowell, McNair, Martin, Mathis, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Payne, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Venable, White (L) and Zoghby.

—63

The question was then on the motion offered by Rep. Holmes that when the House adjourns today, it adjourns to meet again at 10:00 o'clock a.m., Thursday, March 7, 1985, and the motion was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Adams, Budget Isolation Resolution, H. B. 537, was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Biddle, Black, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Crow, Dutton, Escott, Faulk, Ford, Gaston, Goodwin, Gray, Grayson, Hall, Harper, Harvey, Hooper, Kennedy, Kvalheim, Laird, Marietta, Melton, Mitchell, Newman, Newton, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Richardson, Rogers, Sasser, Seibels, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (G), White (L) and Zoghby.

—66

And the bill:

H. 537. Relating to Russell County; to establish a Motor Vehicle License Division to process motor vehicle title and license applications, transfers and

renewals; to provide for assessment and collection of motor vehicle ad valorem taxes; to provide for authority to collect and remit license fees, taxes and monies due to the State of Alabama and the county; to provide for the optional mail order processing of license renewals and issuance with accompanying mail fees; to provide for the collection of sales taxes on used motor vehicles sold by non-dealers; to provide for the requirement of proof of payment of any federal highway use taxes due before issuing licenses; to provide for the appointment of a Motor Vehicle License Commissioner by the county governing body in charge of said Motor Vehicle License Division with administrative authority over said division; to require said commissioner to obtain an adequate bond; and to provide for transferring all of the duties, responsibilities and enforcement of motor vehicle licensing, ad valorem tax assessment and collection as well as enforcement otherwise under authority of the Probate Judge, Tax Assessor, Tax Collector and License Inspector, to the Motor Vehicle License Division and said License Commissioner.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Crow, Escott, Faulk, Flowers, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Harper, Harvey, Holley, Hooper, Johnson (Roy), Kennedy, Kvalheim, Laird, McMillan, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Rogers, Sasser, Seibels, Spratt, Starr, Tanner, Trammell, Turner, Warren, White (G), White (L) and Zoghby.

—65

BUDGET ISOLATION RESOLUTION

On motion of Rep. Adams, Budget Isolation Resolution, H. B. 538, was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Black, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Crow, Dutton, Escott, Flowers, Gaston, Goodwin, Gray, Grayson, Hall, Hammett, Harper, Harvey, Hooper, Kennedy, Laird, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Richardson, Rogers, Sasser, Spratt, Starr, Tanner, Thomas, Trammell, Turner, White (G), White (L) and Zoghby.

—63

And the bill:

H. 538. To provide for the filing for record and the preservation of all orders and judgments made and entered by any judge of the circuit court of the 26th Judicial Circuit of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Crow, Dutton, Escott, Flowers, Gaston, Grayson, Grouby, Hall, Harper, Harvey, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, McMillan, Martin, Mathis, Melton, Mitchell, Moore, Newman, Newton, Parker, Penry, Perdue, Preuitt, Rains, Richardson, Rogers, Spratt, Starr, Tanner, Trammell, Turner, Venable, White (G), White (L) and Zoghby.

—60

RESOLUTION

The following resolution was introduced:

By Rep. Reed:

H. J. R. 115. CONGRATULATING MR. AND MRS. EDDIE MAHONE ON THEIR 50th WEDDING ANNIVERSARY CELEBRATION.

WHEREAS, Eddie and Helen Phillips Mahone were joined in Holy matrimony 50 years ago, February 27, 1935, in Tuskegee, Alabama; and

WHEREAS, Eddie Mahone was the second of four boys born to Mr. and Mrs. Sandy Mahone, and Helen P. Mahone was the seventh of ten children born to Mr. and Mrs. Thomas Phillips; and

WHEREAS, to the union of Mr. and Mrs. Eddie Mahone were born two children, Dr. Denise Felicia Mahone of Fayetteville, North Carolina, and Edward L. Mahone of Rockville, Maryland; and

WHEREAS, Mr. and Mrs. Mahone are the proud grandparents of one grandchild, Erika Lynn of Rockville, Maryland, born to Edward L. and Benita Joyce Harris Mahone; and

WHEREAS, Mr. and Mrs. Eddie Mahone have been longtime residents of the City of Tuskegee, well liked by their many friends in the community; and

WHEREAS, Eddie Mahone served in the Security Department of Tuskegee Institute for 39 years and is now retired, and Helen P. Mahone is currently Director of Dorothy Hall Guest House on the campus of Tuskegee Institute where she has worked for several years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the children of Mr. and Mrs. Eddie Mahone in congratulating them on their 50th Wedding Anniversary, celebrated on Saturday, March 2nd, in Tuskegee Institute, Alabama, at Greenwood Missionary Baptist Church.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. and Mrs. Mahone that they may know of our sincere best wishes for many more years of happiness together.

On motion of Rep. Reed, the rules were suspended and the resolution, H. J. R. 115, was adopted.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Adams, Budget Isolation Resolution, H. B. 539, was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Buskey (James), Butler, Carter, Clark (D), Clark (J), Dutton, Escott, Flowers, Gaston, Grayson, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Junkins, Kennedy, McMillan, Marietta, Mathis, Mitchell, Moore, Newman, Newton, Parker, Penry, Perdue, Preuitt, Rains, Richardson, Spratt, Tanner, Trammell, Turner, Venable, White (L) and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 539. Authorizing and empowering the Russell County Commission to raise additional revenue by levying in those parts of the county outside the corporate limits of the cities of Hurtsboro and Phenix City special county privilege license and excise taxes paralleling, at lower rates, state sales and use taxes as provided for in Chapter 23 of Title 40 of the Code of Alabama 1975; providing for the ascertainment, collection, payment, distribution and use of the proceeds of such license tax, and for the enforcement of the act by the state department of revenue; and prescribing penalties and fixing punishment for violations.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Buskey (John), Butler, Carter, Clark (D), Clark (J), Crow, Flowers, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Lindsey, McMillan, Marietta, Mathis, Mikell, Mitchell, Newman, Newton, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Rogers, Spratt, Tanner, Trammell, Turner, Venable, White (G), White (L) and Zoghby.

—59

BUDGET ISOLATION RESOLUTION

On motion of Rep. Adams, Budget Isolation Resolution, H. B. 540, was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Crow, Flowers, Gaston, Goodwin, Gray, Grayson, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Junkins, Kennedy, Lindsey, McMillan, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Newton, Parker, Penry, Perdue, Poole, Preuitt, Rains, Richardson, Rogers, Spratt, Tanner, Trammell, Turner, White (G), White (L) and Zoghby.

—57

And the bill:

H. 540. (With Amendment): Relating to Russell County; authorizing the county commission to levy an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, as amended, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and providing for the termination of this act.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 540, page 3, Section 5, beginning on line 32, by deleting the word "hthe" and inserting in lieu thereof the following:

the

And the amendment was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Buskey (John), Butler, Carter, Clark (J), Clark (W), Crow, Flowers, Gaston, Goodwin, Grayson, Hall, Harper, Harvey, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Laird, McMillan, Marietta, Mathis, Mitchell, Moore, Newman, Newton, Nicholson, Parker, Penry, Perdue, Poole, Preuitt, Rains, Richardson, Rogers, Smith, Spratt, Tanner, Trammell, Turner, White (G), White (L) and Zoghby.

—55

And the bill, H. 540, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Biddle, Black, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bugg, Buskey (John), Butler, Carter, Clark (D), Clark (J), Flowers, Gaston, Goodwin, Grayson, Hall, Harper, Harvey,

Hettinger, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lindsey, McMillan, Marietta, Mathis, Mitchell, Moore, Newman, Newton, Nicholson, Parker, Penry, Perdue, Poole, Preuitt, Rains, Richardson, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, White (L) and Zoghby.

—57

BUDGET ISOLATION RESOLUTION

On motion of Rep. Adams, Budget Isolation Resolution, H. B. 541, was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Biddle, Black, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Crow, Flowers, Gaston, Goodwin, Gray, Grayson, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Junkins, Kennedy, Kvalheim, Lindsey, McMillan, Marietta, Mathis, Mitchell, Moore, Newman, Newton, Nicholson, Parker, Penry, Perdue, Preuitt, Rains, Richardson, Rogers, Seibels, Spratt, Starkey, Tanner, Thomas, Turner, White (G), White (L) and Zoghby.

—61

And the bill:

H. 541. Relating to Russell County; abolishing the office of constable; and providing an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Biddle, Black, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bugg, Butler, Carter, Clark (D), Clark (W), Flowers, Gaston, Goodwin, Gray, Grayson, Hall, Harper, Harvey, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Laird, Lindsey, McMillan, Marietta, Mathis, Mitchell, Moore, Newman, Newton, Parker, Penry, Perdue, Poole, Preuitt, Rains, Richardson, Seibels, Spratt, Starkey, Tanner, Thomas, Turner, White (L) and Zoghby.

—54

BUDGET ISOLATION RESOLUTION

On motion of Rep. Carothers, Budget Isolation Resolution, H. B. 546, was adopted.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Albright, Biddle, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Buskey (James), Butler, Carothers, Carter, Clark (D), Clark (W), Flowers, Gaston, Goodwin, Gray, Grouby, Hall, Harper, Harvey,

Hettinger, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, McMillan, Marietta, Mathis, Mitchel, Moore, Newman, Newton, Nicholson, Parker, Penry, Perdue, Poole, Rains, Smith, Spratt, Tanner, Turner, White (F), White (G), White (L) and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 546. To provide for the filing for record and the preservation of all orders and judgments made and entered by any judge of the circuit court of the 20th Judicial Circuit of Alabama, and to provide that such judgments or orders shall have the same force and effect as minutes of the circuit court of said circuit prior to the passage and approval of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Biddle, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Davis, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Junkins, Kvalheim, Lauderdale, McMillan, Marietta, Mathis, Mitchell, Moore, Newman, Newton, Nicholson, Parker, Penry, Perdue, Poole, Preuitt, Smith, Spratt, Starkey, Tanner, Turner, White (L) and Zoghby.

—54

BUDGET ISOLATION RESOLUTION

On motion of Rep. Carothers, Budget Isolation Resolution, H. B. 547, was adopted.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Beers, Biddle, Blakeney, Bowling, Box, Brakefield, Brooks, Bugg, Buskey (James), Butler, Carter, Clark (D), Clark (J), Clark (W), Gaston, Goodwin, Grayson, Grouby, Hall, Harper, Harvey, Hettinger, Junkins, Kvalheim, Lauderdale, McMillan, Marietta, Mathis, Mitchell, Moore, Newman, Newton, Parker, Penry, Perdue, Poole, Preuitt, Rains, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Tanner, Turner, White (F), White (L) and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 547. Relating to the 20th Judicial Circuit of Alabama; to provide that if a defendant in a criminal case enters a written plea of not guilty prior to his arraignment such plea shall constitute waiver of his right to have an arraignment at which he is present in person or represented by an attorney.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Biddle, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bugg, Butler, Carter, Clark (D), Clark (J), Clark (W), Flowers, Gaston, Goodwin, Grouby, Hall, Harper, Harvey, Hettinger, Holmes, Junkins, Kennedy, Kvalheim, McMillan, Marietta, Mathis, Mitchell, Moore, Newman, Newton, Nicholson, Parker, Penry, Perdue, Poole, Preuitt, Rains, Rice, Richardson, Smith, Spratt, Tanner, Thomas, Turner, Warren, White (F) and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Beasley, Budget Isolation Resolution, H. B. 549, was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Biddle, Black, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Butler, Carter, Clark (D), Clark (W), Flowers, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Kennedy, Kvalheim, Lindsey, McMillan, Marietta, Mathis, Mitchell, Newman, Newton, Nicholson, Parker, Penry, Perdue, Poole, Preuitt, Rains, Richardson, Seibels, Smith, Spratt, Tanner, Turner, White (F), White (L) and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 549. Relating to Henry County; providing further for the salary of the county superintendent of education and providing for an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Biddle, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bugg, Butler, Carter, Clark (D), Clark (J), Clark (W), Flowers, Gaston, Goodwin, Grouby, Hall, Harper, Hettinger, Holmes, Hooper, Kennedy, Kvalheim, Lindsey, McMillan, Marietta, Mathis, Mitchell, Moore, Newman, Parker, Penry, Perdue, Poole, Preuitt, Rains, Richardson, Smith, Spratt, Tanner, Thomas, Turner, White (F), White (L) and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Mathis, Budget Isolation Resolution, H. B. 556, was adopted.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Biddle, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bugg, Butler, Carter, Clark (W), Gaston, Grouby, Hall, Hammett, Harper, Hettinger, Hooper, Kennedy, Kvalheim, McMillan, Marietta, Mathis, Mitchell, Moore, Newman, Newton, Parker, Penry, Perdue, Poole, Preuitt, Rains, Rice, Richardson, Seibels, Smith, Spratt, Tanner, Turner, Warren, White (F) and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 556. To alter or rearrange the boundary lines of the City of Geneva, Geneva County, Alabama, so as to include within the corporate limits of said City, all territory now within such corporate limits and also certain other territory contiguous thereto, in Geneva County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Biddle, Bowling, Box, Brakefield, Britnell, Brooks, Butler, Carter, Clark (J), Clark (W), Gaston, Goodwin, Grouby, Hall,

Harper, Harvey, Hettinger, Holmes, Hooper, Kennedy, Kvalheim, McMillan, Marietta, Mathis, Mitchell, Moore, Newman, Newton, Parker, Penry, Perdue, Poole, Preuitt, Reed, Rice, Smith, Spratt, Tanner, Thomas, Turner, Warren, White (F), White (G) and White (L).

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hall, Budget Isolation Resolution, S. B. 264, was adopted.

Yeas 51; Nays 0.

Yeas:

Reps. Albright, Beasley, Biddle, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bugg, Buskey (John), Butler, Carter, Clark (W), Faulk, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Hooper, Kennedy, Kvalheim, McMillan, Marietta, Mitchell, Moore, Newman, Newton, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Seibels, Smith, Tanner, Thomas, Turner, Turnham, White (L) and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 264. Relating to Jackson County; providing that it shall be unlawful for anyone to willfully throw or cast headlights or any rays of artificial light from any motor vehicle in any field, woodland or forest in an attempt to locate deer or any other wildlife with the exception of farmers who may do so while checking livestock on owned, leased or rented land; and providing for penalties.

Was read a third time at length and passed.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Beers, Biddle, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bugg, Buskey (John), Butler, Carter, Clark (W), Faulk, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lindsey, McMillan, Marietta, Mathis, Mitchell, Moore, Newman, Onderdonk, Parker,

Penry, Perdue, Poole, Preuitt, Reed, Richardson, Smith, Starkey, Tanner, Thomas, Turner, Turnham, White (F), White (G), White (L) and Zoghby.

—56

REPORT FILED

Pursuant to Senate Joint Resolution 58, Act 84-775, of the Extraordinary Session of the Legislature of Alabama, Senator Bobby E. Denton, Chairman, submitted the report adopted by the Joint Interim Committee on County Government, and the report was ordered filed.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 116. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That upon reaching the Calendar, the following bills in the order listed below, along with Budget Isolation Resolutions pertinent thereto and attached hereto, shall be made the special, paramount and continuing order of business for the 9th Legislative Day only of the 1985 Regular Session, March 5, 1985, taking precedence over any other business of the House until such time as said resolutions and bills are disposed of:

<u>Bill No.</u>	<u>Sponsor</u>	<u>Short Title</u>	<u>Page</u>
<u>Unfinished business:</u>			
H.B. 258	Zoghby	Local bill advertising	21
H. B. 268	Zoghby	Automated Teller Machines	33
H. B. 475	Parker	Dept. Indus. Relations - name change	50
H. B. 397	Faulk	Polling places accessible to handicapped	69
H. B. 70	Biddle	Comm. on Public Health	27
H. B. 327	Coleman	Real Estate Law re-written	23
H. B 28	Johnson (Roy)	City Boards of Education	25
H. B. 285	White (G)	Computer crimes; penalties	9
H. B. 59	Harvey	C. A.; forest fire protection	47
H. B. 60	Harvey	Enabling act; fire protection	47
H. B. 139	Smith	Petroleum inspection fee	36
H. B. 223	Hettinger	Controlled substances; school personnel exempt from liability	5
H. B. 252	Cosby	Cahaba River protection	20

On motion of Rep. Clark (J), the resolution, H. R. 116, was adopted.

SUNSET RESOLUTIONS POSTPONED

On motion of Rep. Clark (J), consideration of the Sunset Resolutions was postponed to the eleventh legislative day.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Venable the rules were suspended in order to bring up Budget Isolation Resolution, relating to H. B. 467.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Venable, Budget Isolation Resolution, H. B. 467, was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Biddle, Boles, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Clark (D), Clark (J), Clark (W), Davis, Escott, Flowers, Gaston, Goodwin, Grouby, Hall, Harper, Hettinger, Holley, Junkins, Kennedy, Kvalheim, McMillan, Marietta, Martin, Mitchell, Newman, Newton, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Seibels, Smith, Starr, Tanner, Trammell, Turner, White (F) and White (L).

—56

And the bill:

H. 467. To amend Section 35-10-8, Code of Alabama 1975, relating to how notices of mortgage foreclosure sales are made, so as to provide how the notice of sale is made when there is no newspaper published in the county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Biddle, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Davis, Faulk, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, McMillan, Marietta, Melton, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Seibels, Smith, Spratt, Tanner, Trammell, Turner, Venable, Warren, White (F) and White (L).

—64

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Zoghby, Budget Isolation Resolution, H. B. 268, was adopted.

Yeas 81; Nays 2.

Yeas:

Mr. Speaker, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Browder, Bugg, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Kennedy, Kvalheim, Lindsey, McDowell, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newton, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—81

Nays: Reps. Rains and Tanner.

—2

And the bill:

H. 268. To amend Code of Alabama 1975, Section 5-5A-20, as previously amended relating to branch banking, so as to provide that automated teller machines, the establishment of which might otherwise be limited by law, shall not be subject to the restrictions imposed by Section 5-5A-20 or by any other provision of law restricting branch banking, so long as the use of the automated teller machine is offered for sharing with other banks, savings and loan associations or credit unions having their principal place of business in Alabama.

Was taken up.

SUBSTITUTE OFFERED

Rep. Zoghby offered the following substitute to the bill, H. 268:

A BILL TO BE ENTITLED AN ACT

To amend Code of Alabama 1975, Section 5-5A-20, as previously amended relating to branch banking, so as to provide that automated teller machines, the establishment of which might otherwise be limited by law, shall not be subject to the restrictions imposed by Section 5-5A-20 or by any other provision of law restricting branch banking, so long as the use of the automated teller machine is offered for sharing with other banks having their principal place of business in Alabama, and the automated teller machine is located within a county or a portion of a county in which the bank owning the same has established or could establish a branch bank under the branch banking laws of this state, and to provide for the repeal of other laws that conflict with this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Amend Section 5-5A-20, Code of Alabama 1975, as previously amended relating to branch banks, so as to read as follows:

Section 5-5A-20. Branch Banks.

No bank, or any officer, agent or director thereof, shall be permitted to establish a branch or office for the transaction of the banking business other than at the principal place of business, in any county in this state, except as has been heretofore or which may hereafter be provided by local laws or general laws of local application. All existing branch banks are hereby validated.

Provided, however, the superintendent of banks may authorize the opening of a branch in any county if the superintendent of banks deems it necessary to protect the public where any bank, state or national, has been closed, is in danger of closing, or otherwise is involved in severe financial condition threatening the stability of a significant number of banks or banks possessing significant financial resources if the bank opening such branch purchases certain assets and assumes the deposit liabilities of the closed or endangered bank.

Automated teller machines, the establishment of which might otherwise be limited by law, shall not be subject to the restrictions imposed by this section or by any other provision of law restricting branch banking, so long as the use thereof is offered for sharing with other banks having their principal place of business in Alabama, and the automated teller machine is located within a county or a portion of a county in which the bank owning the same has established or could establish a branch bank under the branch banking laws of this state.

Section 2. All laws or parts of laws, whether general, local or general laws of local applications, which conflict with this Act are hereby repealed to the extent of such conflict, including, but not limited to, any part of any such laws which restrict the authority of the superintendent under Section 5-2A-7, provided that except to the extent necessary to give effect to the provisions of this Act, no general or local law or general law of local application shall be deemed to have been modified or impaired by this Act.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 92; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lindsey, McDowell, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—92

And the bill:

H. 268. To amend Code of Alabama 1975, Section 5-5A-20, as previously amended relating to branch banking, so as to provide that automated teller

machines, the establishment of which might otherwise be limited by law, shall not be subject to the restrictions imposed by Section 5-5A-20 or by any other provision of law restricting branch banking, so long as the use of the automated teller machine is offered for sharing with other banks having their principal place of business in Alabama, and the automated teller machine is located within a county or a portion of a county in which the bank owning the same has established or could establish a branch bank under the branch banking laws of this state, and to provide for the repeal of other laws that conflict with this act.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 95; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lindsey, McDowell, McKee, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—95

Nay: Rep. Rains.

—1

BUDGET ISOLATION RESOLUTION

On motion of Rep. Parker, Budget Isolation Resolution, H. B. 475, was adopted.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Coleman, Cosby, Crow, Davis, Escott, Flowers, Ford, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lindsey, McDowell, Marietta, Martin, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Tanner, Trammell, Turner, Turnham, Venable, White (G) and White (L).

—78

And the bill:

H. 475. To direct the Alabama Code Commissioner to make editorial changes in Chapter 5 of Title 25, Code of Alabama 1975, the workmen's

compensation laws, by changing the words "workman" and "workmen" wherever such words appear to "worker" and "workers," respectively.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend the title, all sections and all references of the Alabama Workmen's Compensation Law in the Code of Alabama 1975, specifically Title 25 and specifically sections 25-5-1 et seq., to change it to the Alabama Workers' Compensation Law.

Be It Enacted by the Legislature of Alabama:

Section 1. The title, all sections and all references of the Alabama Workmen's Compensation Law in the Code of Alabama 1975, specifically Title 25 and specifically sections 25-5-1 et seq., is hereby amended to read as follows: "Alabama Workers' Compensation Law."

Section 2. This act to take effect immediately upon its passage and approval by the Governor or its otherwise becoming law.

And the substitute was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Albright, Bachus, Beasley, Beers, Biddle, Black, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Coleman, Cosby, Crow, Davis, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lindsey, McDowell, Marietta, Martin, Melton, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Poole, Pratt, Preuitt, Richardson, Smith, Spratt, Starkey, Tanner, Trammell, Turner, Venable, Warren, White (G) and White (L).

—71

And the bill:

H. 475. To amend the title, all sections and all references of the Alabama Workmen's Compensation Law in the Code of Alabama 1975, specifically Title 25 and specifically sections 25-5-1 et seq., to change it to the Alabama Workers' Compensation Law.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Biddle, Black, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Buskey (James),

Buskey (John), Campbell, Carter, Clark (D), Clark (W), Coleman, Cosby, Crow, Davis, Flowers, Ford, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lindsey, Marietta, Martin, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—76

BUDGET ISOLATION RESOLUTION

On motion of Rep. Faulk, Budget Isolation Resolution, H. B. 397, was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (W), Coleman, Cosby, Crow, Davis, Faulk, Flowers, Ford, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lindsey, Marietta, Martin, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Poole, Pratt, Preuitt, Richardson, Sasser, Seibels, Smith, Spratt, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G) and White (L).

—77

H. 397. TEMPORARILY CARRIED OVER

On motion of Rep. Faulk, the bill, H. 397, was temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Biddle, Budget Isolation Resolution, H. B. 70, was adopted.

Yeas 62; Nays 3.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Biddle, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bugg, Burke, Butler, Carter, Clark (D), Clark (W), Coleman, Crow, Davis, Flowers, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (Roy), Kennedy, Kvalheim, Laird, Lindsey, McMillan, Marietta, Martin, Melton, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Poole, Pratt, Preuitt, Richardson, Smith, Spratt, Starkey, Tanner, Turner, Turnham, Venable, White (F), White (G) and White (L).

—62

Nays: Reps. Holley, Moore and Payne.

—3

And the bill:

H. 70. To amend §22-2-4, and §22-2-10, Code of Alabama 1975, to provide for the payment of per diem, subsistence, and mileage to the Members of the State Committee of Public Health.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Albright, Bachus, Beasley, Beers, Biddle, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bugg, Burke, Buskey (James), Butler, Carter, Clark (D), Clark (W), Coleman, Cosby, Crow, Davis, Flowers, Ford, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Johnson (Roy), Kennedy, Kvalheim, Laird, Lindsey, McMillan, Marietta, Martin, Mathis, Mitchell, Moore, Newman, Newton, Nicholson, Parker, Poole, Pratt, Preuitt, Rains, Reed, Sasser, Seibels, Smith, Spratt, Starkey, Tanner, Turner, Warren, White (F), White (G) and White (L).

—66

BUDGET ISOLATION RESOLUTION

On motion of Rep. Coleman, Budget Isolation Resolution, H. B. 327, was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Albright, Bachus, Beasley, Biddle, Blakeney, Box, Brakefield, Britnell, Brooks, Bugg, Burke, Carter, Clark (D), Coleman, Cosby, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lindsey, McMillan, Marietta, Martin, Mathis, Moore, Newman, Nicholson, Onderdonk, Parker, Poole, Preuitt, Reed, Richardson, Smith, Starkey, Starr, Tanner, Turner, Turnham, Warren, White (F) and White (L).

—54

H. 327 TEMPORARILY CARRIED OVER

On motion of Rep. Coleman, the bill, H. 327, was temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Johnson (Roy), Budget Isolation Resolution, H. B. 28, was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Bachus, Beasley, Beers, Biddle, Black, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Carter, Clark (D), Clark (W), Coleman, Crow, Davis, Flowers, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger,

Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lindsey, McDowell, Marietta, Martin, Mathis, Melton, Mikell, Newman, Newton, Nicholson, Onderdonk, Parker, Poole, Pratt, Preuitt, Rains, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, White (L) and Zoghby.

—69

And the bill:

H. 28. To amend Section 16-11-1, Code of Alabama 1975, which defines the word "city" for city boards of education purposes, so as to include municipalities in which four-year institutions of higher learning are located within said definition.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Biddle, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Carter, Clark (D), Clark (W), Coleman, Cosby, Crow, Davis, Flowers, Ford, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lindsey, McDowell, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Reed, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, White (L) and Zoghby.

—77

BUDGET ISOLATION RESOLUTION

On motion of Rep. White (G), Budget Isolation Resolution, H. B. 285, was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Coleman, Cosby, Crow, Davis, Flowers, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lindsey, McKee, Marietta, Martin, Mathis, Mikell, Mitchell, Newman, Newton, Nicholson, Onderdonk, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, White (F), White (L) and Zoghby.

—75

And the bill:

H. 285. To establish penalties for certain criminal activities in respect to computers.

Was taken up.

AMENDMENT OFFERED

Rep. Butler offered the following amendment to the bill, H. 285:

On page 5, line 27, after the period, insert the following language:

In addition, in the first degree, computer equipment used to commit the crime shall be forfeited.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 68; Nays 3.

Yeas:

Mr. Speaker, Bachus, Beasley, Beers, Biddle, Black, Blakeney, Brakefield, Britnell, Brooks, Browder, Buskey (John), Butler, Campbell, Carter, Clark (D), Cosby, Crow, Davis, Escott, Faulk, Flowers, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Mikell, Newman, Newton, Nicholson, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—68

Nays: Reps. Albright, Box and Onderdonk.

—3

And the bill, H. 285, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 1.

Yeas:

Mr. Speaker, Bachus, Beasley, Beers, Biddle, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (W), Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Lindsey, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Moore, Newman, Newton, Onderdonk, Payne, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—81

Nay: Rep. Albright.

—1

H. 327 TAKEN UP

And the bill:

H. 327. To amend sections 34-27-2 through 34-27-8, 34-27-10, 34-27-11, 34-27-30 through 34-27-38, 34-27-50, through 34-27-52, 34-27-57, 34-27-58, 34-27-60 through 34-27-64 and 34-27-66 through 34-27-68 of the Code of Alabama 1975, which relate to the regulation of real estate and time-sharing brokers, salesmen and transactions and to the real estate commission and its executive officers, so as to provide further for such regulation, for the duties of such executive officers and for penalties and to repeal section 34-27-9 relating to bonds of such executive officers.

Which previously was temporarily carried over, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Blakeney, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—88

CO-SPONSOR ADDED

Rep. Clark (W), was added as co-sponsor to the bill, H. 327.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harvey, Budget Isolation Resolution, H. B. 59, was adopted.

Yeas 64; Nays 15.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Bowling, Box, Brakefield, Bryant, Burke, Buskey (John), Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Faulk, Flowers, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hooper, Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Thomas, Turner, Turnham, Warren, White (F), White (L) and Zoghby.

—64

Nays:

Reps. Boles, Brooks, Bugg, Butler, Davis, Gray, Holley, Johnson (RG), Melton, Newton, Onderdonk, Perdue, Rains, Spratt and White (G).

—15

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 52. NAMING THAT PORTION OF ALABAMA HIGHWAY 20 FROM I-65 WEST TO U. S. HIGHWAY 31, IN LIMESTONE COUNTY, THE "POINT MALLARD HIGHWAY."

Also:

H. J. R. 73. COMMENDING WALLACE HARPER OF TILLMAN'S CORNER, ALABAMA, 1985 CITIZEN OF THE YEAR.

Also:

H. J. R. 75. MOURNING THE DEATH OF MR. DAVID H. WILLIAMS, EXECUTIVE DIRECTOR OF THE ALABAMA BOARD OF PAROLES AND PAROLES.

Also:

H. J. R. 76. COMMENDING J. MILES THOMAS OF OPELIKA, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

H. J. R. 78. COMMENDING COACH TERRY MITCHELL OF PLAINVIEW HIGH SCHOOL, RAINSVILLE, ALABAMA.

Also:

H. J. R. 79. COMMENDING THE CEDAR PARK-EDGEWOOD OLYMPICS OF THE MIND TEAM.

Also:

H. J. R. 80. RECOGNIZING GATEWAY INDUSTRIES OF SELMA, ALABAMA, FOR OUTSTANDING SUPPORT, THROUGH TRAINING AND EMPLOYMENT, OF HANDICAPPED CITIZENS OF ALABAMA.

Also:

H. J. R. 82. COMMENDING LAURA ANN BELLEW OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 83. COMMENDING GLEN OWEN BAILEY OF AUBURN, ALABAMA.

Also:

H. J. R. 84. MOURNING THE DEATH OF IRENE L. JONES OF MOBILE, ALABAMA.

Also:

H. J. R. 85. MOURNING THE DEATH OF ALONZO YELLING OF MOBILE, ALABAMA.

Also:

H. J. R. 86. COMMENDING MARY FRANCES VAUGHN FOR DISTINGUISHED SERVICE WITH THE ALABAMA PUBLIC SERVICE COMMISSION.

Also:

H. J. R. 91. COMMENDING STATE REPRESENTATIVE EUCLID RAINS.

Also:

H. J. R. 95. COMMENDING RONALD LIVENGOOD OF SCOTTSBORO, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 99. EXPRESSING THE LEGISLATURE'S APPRECIATION TO THE ALABAMA BAPTIST STATE CONVENTION.

Also:

H. J. R. 100. COMMENDING PINSON VALLEY HIGH SCHOOL ON ITS SPECTACULAR 1984 FOOTBALL SEASON.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 104. COMMENDING GOVERNOR GEORGE C. WALLACE ON HIS APPOINTMENT OF WINTON M. BLOUNT TO THE ALABAMA TRUST FUND BOARD OF TRUSTEES.

Also:

H. J. R. 105. COMMENDING MR. HOWARD BOLLING OF FAYETTE, ALABAMA'S PAROLE AND PROBATION OFFICER OF THE YEAR.

Also:

H. J. R. 109. CONGRATULATING MR. AND MRS. JAMES HOYT ROBERTS ON THE OCCASION OF THEIR 50th WEDDING ANNIVERSARY.

Also:

H. J. R. 111. COMMENDING THE LITCHFIELD HIGH SCHOOL BASKETBALL TEAM.

Also:

H. J. R. 112. COMMENDING THE ETOWAH HIGH SCHOOL BASKETBALL TEAM.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

And the bill:

H. 59. To propose an amendment to the Constitution of Alabama 1901, to provide for the promotion of forest fire protection on forest lands within this state; to provide for the levying, collecting and distribution of assessments for costs; replacing or superceding certain local laws heretofore enacted; to provide for similar local forest fire protection and assessment programs, upon ratification by the voters of this amendment; and to authorize the legislature to provide funds for the administration of such forest fire protection program hereby enacted on a statewide basis.

Was taken up.

AMENDMENT OFFERED

Rep. Harvey offered the following amendment to the bill, H. 59:

On page 2, line 12, after the language "assess a", insert the following word:

maximum

On page 2, line 13, after the word "charge", insert the following language:
of ten cents (.10) per acre

On page 2, line 14, after the period, insert the following language:

Provided, however, the maximum finance charge authorized by this amendment may be increased if approved by a majority of the forest land-owners voting in a special referendum held thereon.

On page 2, line 28, after the word "required" insert the following language:
except as herein provided and

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 65; Nays 5.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Bryant, Burke, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Faulk, Flowers, Ford, Gaston, Goodwin, Hall, Hammett, Harper, Harvey, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Thomas, Turner, Turnham, Venable, White (F), White (L) and Zoghby.

Nays: Reps. Boles, Brooks, Butler, Newton and Trammell.

—5

H. 59 TEMPORARILY CARRIED OVER

On motion of Rep. Harvey, the bill, H. 59 as amended, was temporarily carried over.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 345. Relating to Barbour County; legalizing the sale of draft or keg beer or malt beverages; and repealing conflicting laws.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator deGraffenried:

S. 25. To amend Sections 9-4-11 and 9-4-12, Code of Alabama 1975, so as to provide the state geologist with the authority to enter into agreements with the United States geological survey in the execution of cooperative geologic surveys of the State of Alabama.

Also:

By Senators Corbett, Foshee, Dixon, Parsons, Bedsole, Langford, Covington, Horn, Goodwin, and Smith (J):

S. 73. To exempt all persons employed in public, private, and church schools from liability for certain communications to the parents of a minor child, law enforcement officers or health care providers concerning the suspected use, possession, sale or furnishing of any controlled substance by any minor child.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 25. Natural Resources.

S. 73. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Hilliard:

S. 94. To provide for the appointment of one additional employee to serve as a confidential assistant in the clerk's office of the Court of Criminal Appeals, to provide for the duties of that employee, to fix the compensation and to make an appropriation for carrying out the provisions of this act.

Also:

By Senators Cooley and Drinkard:

S. 107. To amend Sections 16-25-1 and 16-25-19, Code of Alabama, 1975, so as to expand the board of control of the Teachers' Retirement System from 11 to 13 members and to specify that such additional members shall be from the ranks of educational support personnel and defines the term "support personnel."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 94. Ways and Means.

S. 107. Ways and Means.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Smith, Budget Isolation Resolution, H. B. 139, was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Flowers, Gaston, Goodwin, Grayson, Hall, Hammett, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McKee, McMillan, Mathis, Melton, Mikell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Preuitt, Rains, Richardson, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Venable, White (F), White (L) and Zoghby.

—68

MOTION TO ADJOURN LOST

The motion offered by Rep. Holley that the House adjourn until 10:00 o'clock a.m., Thursday, March 7, 1985, was lost.

Yeas 34; Nays 47.

Yeas:

Reps. Adams, Boles, Bowling, Britnell, Buskey (James), Butler, Clark (D), Clark (W), Crow, Davis, Escott, Faulk, Flowers, Ford, Goodwin, Grayson, Harvey, Kennedy, Laird, Lauderdale, Lindsey, Mathis, Melton, Newman, Pratt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Starkey, Trammell and Venable.

—34

Nays:

Mr. Speaker, Albright, Bachus, Beasley, Beers, Black, Blake, Blakeney, Box, Brooks, Bugg, Burke, Carter, Clark (J), Coleman, Cosby, Gaston, Gray, Grouby, Hall, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Junkins, Kvalheim, McKee, McMillan, Marietta, Mikell, Mitchell, Newton, Nicholson, Onderdonk, Penry, Poole, Preuitt, Rogers, Smith, Starr, Turner, Turnham, Warren, White (F), White (L) and Zoghby.

—47

H. 139 RESUMED

And the bill:

H. 139. To amend Section 8-17-91, which provides for distribution of petroleum inspection fees; to provide that the State Treasurer shall make distribution of said fees.

Was taken up.

AMENDMENT OFFERED

Rep. Payne offered the following amendment to the bill, H. 139:

Amend House Bill 139, page 1, line 37 after the word "distributed" by striking equally

And on page 2, line 5, after the word "state" by inserting the following:

based on the percentage of each county's population to the total population of the state as reported in the most recent federal census,

MOTION TO TABLE LOST

The motion offered by Rep. Starkey to table the amendment offered by Rep. Payne to the bill, H. 139, was lost.

Yeas 38; Nays 42.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Bowling, Britnell, Browder, Bugg, Burke, Carter, Clark (D), Clark (J), Cosby, Crow, Faulk, Flowers, Goodwin, Grouby, Hammett, Holley, Johnson (Roy), Lauderdale, Mikell, Mitchell, Newman, Onderdonk, Parker, Rains, Richardson, Sasser, Smith, Starkey, Thomas, Turnham, Venable, Warren and White (F).

—38

Nays:

Reps. Albright, Bachus, Beers, Biddle, Boles, Box, Brooks, Buskey (James), Butler, Clark (W), Coleman, Davis, Escott, Gaston, Gray, Hall, Harper, Hettinger, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, McKee, McMillan, McNair, Marietta, Mathis, Newton, Nicholson, Payne, Penry, Perdue, Pratt, Preuitt, Rogers, Seibels, Spratt, Trammell, Turner, White (G) and Zoghby.

—42

MOTION TO TEMPORARILY CARRY OVER

Rep. Smith offered the motion to temporarily carry over the bill, H. 139 and the pending amendment.

MOTION TO TABLE LOST

The motion offered by Rep. Payne to table the motion offered by Rep. Smith to temporarily carry over the bill, H. 139 and the pending amendment, was lost.

Yeas 46; Nays 50.

Yeas:

Reps. Albright, Bachus, Beers, Biddle, Boles, Box, Brakefield, Brooks, Buskey (James), Buskey (John), Butler, Clark (W), Coleman, Davis, Escott, Gaston, Gray, Hall, Harper, Hettinger, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, McDowell, McKee, McMillan, McNair, Marietta, Mathis, Melton, Newton, Nicholson, Payne, Penry, Perdue, Pratt, Rogers, Seibels, Spratt, Starr, Trammell, Turner, White (G) and Zoghby.

—46

Nays:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Bowling, Britnell, Browder, Bugg, Burke, Carter, Clark (D), Clark (J), Coburn, Cosby, Crow, Faulk, Flowers, Goodwin, Grayson, Grouby, Hammett, Holley, Johnson (Roy), Laird, Lauderdale, Lindsey, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Poole, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Smith, Starkey, Tanner, Thomas, Turnham, Venable, Warren, White (F) and White (L).

—50

The question was then on the motion offered by Rep. Smith to temporarily carry over the bill, H. 139 and the pending amendment.

ADJOURNMENT

On motion of Rep. Mathis, the House adjourned until 10:00 o'clock a.m., Thursday, March 7, 1985.

TENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, March 7, 1985

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Peter Horn, Trinity Episcopal Church, Bessemer, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—104

A quorum was present.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 268. To amend Code of Alabama 1975, Section 5-5A-20, as previously amended relating to branch banking, so as to provide that automated teller machines, the establishment of which might otherwise be limited by law, shall not be subject to the restrictions imposed by Section 5-5A-20 or by any other provision of law restricting branch banking, so long as the use of the automated teller machine is offered for sharing with other banks having their principal place of business in Alabama, and the automated teller machine is located within a county or a portion of a county in which the bank owning the same has established or could establish a branch bank under the branch banking laws of this state, and to provide for the repeal of other laws that conflict with this act.

JIMMY CLARK,
Chairman.

And the bill, H. 268 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 475. To amend the title, all sections and all references of the Alabama Workmen's Compensation Law in the Code of Alabama 1975, specifically Title 25 and specifically sections 25-5-1 et seq., to change it to the Alabama Workers' Compensation Law.

JIMMY CLARK,
Chairman.

And the bill, H. 475 as engrossed, was ordered sent to the Senate.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the ninth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark (J), the reading at length of the Journal of the House for the ninth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the ninth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Coleman, leave of absence was granted for Rep. Junkins.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill and House Joint Resolutions, to wit:

H. 345. Relating to Barbour County; legalizing the sale of draft or keg beer or malt beverages; and repealing conflicting laws.

Also:

H. J. R. 104. COMMENDING GOVERNOR GEORGE C. WALLACE ON HIS APPOINTMENT OF WINTON M. BLOUNT TO THE ALABAMA TRUST FUND BOARD OF TRUSTEES.

Also:

H. J. R. 105. COMMENDING MR. HOWARD BOLLING OF FAYETTE, ALABAMA'S PAROLE AND PROBATION OFFICER OF THE YEAR.

Also:

H. J. R. 109. CONGRATULATING MR. AND MRS. JAMES HOYT ROBERTS ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 111. COMMENDING THE LITCHFIELD HIGH SCHOOL BASKETBALL TEAM.

Also:

H. J. R. 112. COMMENDING THE ETOWAH HIGH SCHOOL BASKETBALL TEAM.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILL AND HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill and House Joint Resolutions, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 52. NAMING THAT PORTION OF ALABAMA HIGHWAY 20 FROM I-65 WEST TO U.S. HIGHWAY 31, IN LIMESTONE COUNTY, THE "POINT MALLARD HIGHWAY."

Also:

H. J. R. 73. COMMENDING WALLACE HARPER OF TILLMAN'S CORNER, ALABAMA, 1985 CITIZEN OF THE YEAR.

Also:

H. J. R. 75. MOURNING THE DEATH OF MR. DAVID H. WILLIAMS, EXECUTIVE DIRECTOR OF THE ALABAMA BOARD OF PARONS AND PAROLES.

Also:

H. J. R. 76. COMMENDING J. MILES THOMAS OF OPELIKA, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

H. J. R. 78. COMMENDING COACH TERRY MITCHELL OF PLAINVIEW HIGH SCHOOL, RAINSVILLE, ALABAMA.

Also:

H. J. R. 79. COMMENDING THE CEDAR PARK-EDGEWOOD OLYMPICS OF THE MIND TEAM.

Also:

H. J. R. 80. RECOGNIZING GATEWAY INDUSTRIES OF SELMA, ALABAMA, FOR OUTSTANDING SUPPORT, THROUGH TRAINING AND EMPLOYMENT, OF HANDICAPPED CITIZENS OF ALABAMA.

Also:

H. J. R. 82. COMMENDING LAURA ANN BELLEW OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 83. COMMENDING GLEN OWEN BAILEY OF AUBURN, ALABAMA.

Also:

H. J. R. 84. MOURNING THE DEATH OF IRENE L. JONES OF MOBILE, ALABAMA.

Also:

H. J. R. 85. MOURNING THE DEATH OF ALONZO YELLING OF MOBILE, ALABAMA.

Also:

H. J. R. 86. COMMENDING MARY FRANCES VAUGHN FOR DISTINGUISHED SERVICE WITH THE ALABAMA PUBLIC SERVICE COMMISSION.

Also:

H. J. R. 91. COMMENDING STATE REPRESENTATIVE EUCLID RAINS.

Also:

H. J. R. 95. COMMENDING RONALD LIVENGOOD OF SCOTTSBORO, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 99. EXPRESSING THE LEGISLATURE'S APPRECIATION TO THE ALABAMA BAPTIST STATE CONVENTION.

Also:

H. J. R. 100. COMMENDING PINSON VALLEY HIGH SCHOOL ON ITS SPECTACULAR 1984 FOOTBALL SEASON.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MOTION TO ADJOURN

Rep. Rice offered the motion that the House adjourn until 3:00 o'clock p.m., Tuesday, March 19, 1985.

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Brooks that the House adjourn until 3:00 o'clock p.m. Tuesday, March 19, 1985, without compensation, was lost.

The question was then on the motion offered by Rep. Rice that the House adjourn until 3:00 o'clock p.m., Tuesday, March 19, 1985, and the motion was withdrawn.

RESOLUTION

The following resolution was introduced:

By Rep. Rice:

H. J. R. 117. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the House adjourns today, March 7, 1985, it adjourns to reconvene at 3:00 p.m. on March 19, 1985.

On motion of Rep. Rice, the rules were suspended and the resolution, H. J. R. 117, was adopted.

Yeas 85; Nays 6.

Yeas:

Mr. Speaker, Bachus, Beers, Black, Blakeney, Bowling, Box, Brakefield, Britnell, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Holley, Hooper, Johnson (RG), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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Nays:

Reps. Adams, Biddle, Blake, Gray, Payne and Smith.

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INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Moore and Tanner (With Notice and Proof):

H. 694. Relating to Shelby County; to authorize the county commission to provide for hospital and medical insurance of retired county employees.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 694, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Richardson (With Notice and Proof):

H. 695. Relating to Jackson County; to relieve the tax assessor of certain obligations which said official incurred as a result of carrying out a directive of the county commission to grant excessive homestead exemptions to certain property owners in the county during the tax collection year of 1982.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 695, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Laird (With Notice and Proof):

H. 696. Relating to Randolph County; to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to provide that the provisions of this act shall be retroactive to January 18, 1983.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 696, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Laird (With Notice and Proof):

H. 697. Relating to Clay County; to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to provide that the provisions of this act shall be retroactive to January 18, 1983.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 697, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Cosby:

H. 698. To amend sections 34-26-22, 34-26-43 and 34-26-43.1, Code of Alabama 1975, relating to the Board of Examiners In Psychology, so as to provide for increases in certain fees charged by the Board.

Committee on Health.

By Rep. Cosby:

H. 699. To amend section 34-26-42, Code of Alabama 1975, relating to the Board of Examiners of Psychology, so as to change the penalty for the unlawful practice of psychology and to provide for injunctive relief.

Committee on Health.

By Rep. Cosby:

H. 700. To amend Title 27, Section 40-9, by increasing the service charge allowed and to amend Title 27, Section 40-10, to amend the amount of the delinquency and cancellation charges.

Committee on Insurance.

By Rep. Rogers:

H. 701. Proposing an amendment to Section 65 of the Constitution of 1901, which prohibits any lottery, so as to legalize only a lottery or lotteries or any scheme in the nature of a lottery or lotteries operated by the state and in certain counties authorized by a general statute; authorizing the legislature, at its discretion, to establish a pilot program for the legalized operation of a lottery or lotteries; and authorizing the legislature to regulate such operations.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Rogers:

H. 702. To establish the Alabama Lottery Regulatory Division of State Lotteries and to provide for the administration and operation of a state lottery or lotteries or schemes in the nature of a lottery or lotteries, within the office of state treasurer; to establish the Legislative Lottery Oversight Committee and the membership, their appointment, duties, authority and compensation; to create the office of the director of the division of state lotteries; to prescribe the appointment, qualifications, powers and duties of the division and the director; to regulate and provide for the licensing of ticket outlet retailers and the sale of lottery or lotteries tickets, or for schemes in the nature of a lottery or lotteries, or shares by such persons and state employees; to provide for the collection of receipts and the distribution of net revenues for the purposes of the general fund, special educational trust fund and the treasuries of counties and municipalities for the operation of government and for other functions and services; to make an initial appropriation from the general fund of the state treasury to the division of said state lotteries operation, for implementing the provisions of this act, and to prescribe the manner of repayment of such funds to the said general fund; to require the director to make certain reports to the Governor, the Lottery Oversight Committee, the state treasurer and the legislature and to prescribe post audits by the state auditor; to require certain state agencies and political subdivisions to provide assistance to the division; to require the director of public safety to make investigations in connection with the lottery operations and to perform other law enforcement activity therefor; to provide that upon certification of expenses, the department of public safety shall be reimbursed for actual expenses from lottery overhead funds; to provide peace officer status for certain security employees and the director of the division, as well as access to certain criminal records and the power to perform certain law

enforcement functions; to prescribe that the operation of any lottery or lotteries, or schemes in the nature of any lottery or lotteries, in any county which has no constitutional amendment to authorize the operation of bingo shall be illegal gambling and shall be punished as provided by law, and that the operation of any lottery or lotteries, or schemes in the nature of a lottery or lotteries, except as authorized by the committee shall be illegal; to exempt the employees of the division and the director from the public bid laws, under certain conditions, and the state merit system in order to assure the security and integrity of the lottery operation; to prohibit certain persons from purchasing lottery tickets or shares or schemes therefor; to provide for the payment of certain prize awards; to proscribe the levying of any state, county or local taxes upon the proceeds of any prize awarded by the state lottery; to prescribe criminal and misdemeanor penalties for certain violations and crimes; to provide that the ethics laws and Administrative Procedures Act shall be applicable to the division and the director as provided; and to exclude from Sunset legislation.

Committee on Ways and Means.

By Rep. Butler (With Notice and Proof):

H. 703. Relating to Madison County; providing for an increase in county ad valorem taxes on certain properties in those areas of the county that are served by the county board of education upon referendum approval of such increase by the qualified electors in such areas and providing that such additional revenues shall be used for county school purposes.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 703, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Butler (With Notice and Proof):

H. 704. Relating to Madison County; providing that the Madison County Commission shall be authorized to levy sales and use taxes generally paralleling the state sales and use taxes with the same and additional exemptions and exclusions; providing that such taxes shall be levied in the areas of the county served by the Madison County School System; and providing for the collection of the revenue from said taxes and the distribution of same.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 704, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Coleman and Preuitt:

H. 705. To provide that the governing body of any county or municipality may provide funding for health and medical insurance coverage for their retired employees.

Committee on State Administration.

By Rep. Rains (With Notice and Proof):

H. 706. To alter or rearrange the boundary lines of the City of Albertville, Marshall County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Marshall County, Alabama.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 706, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Beasley (With Notice and Proof):

H. 707. To alter or rearrange the boundary lines of the Town of Webb, Houston County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Houston County, Alabama.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 707, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Johnson (Roy):

H. 708. To amend Section 5-19-1, Code of Alabama 1975, which relates to the regulation of extensions of credit, so as to exclude from the definition of "finance charge" those charges excluded from the "finance charge" under the Federal Truth-in-Lending Act.

Committee on Banking.

By Reps. Newton, McNair and Rogers (With Notice and Proof):

H. 709. Relating to Class 1 municipalities; exempting certain public area transportation authorities from the payment of all oil, gasoline and diesel fuel taxes of any nature whatsoever.

Committee on Ways and Means.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 709, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Parker:

H. 710. To propose an amendment to the Constitution of 1901, relating to the continuation of certain school district taxes with the respective city and county jurisdictions.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Senator Holmes:

S. 62. To establish penalties for certain criminal activities in respect to computers.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 62. Judiciary.

ADJOURNMENT

On motion of Rep. Rice, and pursuant to the resolution, H. J. R. 117 heretofore adopted, the House adjourned until 3:00 o'clock p.m., Tuesday, March 19, 1985.

Yeas 51; Nays 45.

Yeas:

Reps. Bachus, Beasley, Beers, Black, Blakeney, Box, Brooks, Buskey (James), Carothers, Carter, Clark (W), Coleman, Cosby, Davis, Escott, Faulk, Flowers, Fuller, Gaston, Gray, Grayson, Grouby, Hammett, Harper, Hooper, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, McKee, McMillan, Martin, Mathis, Melton, Mikell, Newton, Payne, Penry, Perdue, Preuitt, Rains, Rice, Rogers, Sasser, Seibels, Spratt, Starr, Trammell, Venable and White (G).

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Nays:

Mr. Speaker, Adams, Albright, Biddle, Blake, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Buskey (John), Butler, Campbell, Clark (D), Clark (J), Coburn, Crow, Ford, Goodwin, Hall, Harvey, Holley, Johnson (RG), Johnson (Roy), Lindsey, McNair, Marietta, Mitchell, Moore, Newman, Onderdonk, Parker, Poole, Pratt, Reed, Richardson, Smith, Starkey, Tanner, Turner, Warren, White (F), White (L) and Zoghby.

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ELEVENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, March 19, 1985

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. O. Wyndell Jones, Christian Life and Family Ministry, Alabama Baptist Convention.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the tenth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On Motion of Rep. Clark (J), the reading at length of the Journal of the House for the tenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the tenth legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Joint Resolution:

H. J. R. 36. RELATIVE TO MEETING DAYS.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Senators Figures, Horn, and Hilliard.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced:

By Reps. Turnham, Drake, Rice, Hooper and Blake:

H. J. R. 118. COMMENDING COACH SONNY SMITH AND THE AUBURN UNIVERSITY BASKETBALL TEAM.

WHEREAS, the Legislature of Alabama extends heartiest congratulations to the Auburn University Tigers and Coach Sonny Smith on their 1985 SEC Tournament Championship, following a grueling four games in four days against SEC powerhouses Mississippi, LSU, Florida and Alabama; and

WHEREAS, the Tigers, 20-7 in regular season play, were in the underdog spot going into the Tournament, but rapidly changed the odds with three consecutive victories: 68-60 over Mississippi; 58-55 against LSU, the regular season SEC Champions; and 43-42 over the University of Florida; and

WHEREAS, in the title match against Alabama, the Auburn Tigers closed in, in overtime, and handed their coach a gift-wrapped victory, 53-49 over the Crimson Tide; and

WHEREAS, Auburn's SEC Title also was for the record books as the first team, since renewal of the league's tournament in 1979, to play four games in the same number of days and win the Championship; and

WHEREAS, as SEC Champions, the Tigers' first NCAA Tournament match-up ended in an Auburn victory, 59-58, over Purdue, followed by game two and a 66-64 win over the 13th-ranked Kansas Jayhawks to make the final 16 still in competition for the National Title; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Coach Sonny Smith and Auburn University on their 1985 SEC Basketball Championship and on their phenomenal showing in the NCAA Tournament, and direct that a copy of this resolution be forwarded to the University for presentation to the team.

BE IT FURTHER RESOLVED, That Coach Sonny Smith also receive a copy of this resolution, tendered in sincere praise of his personal accomplishments, and in expression of our warmest regard for him as an outstanding coach who has brought great honor to Auburn University and to the State of Alabama.

AMENDMENT OFFERED

Rep. Holmes offered the following amendment to the resolution, H. J. R. 118:

Amend H. J. R. 118 by adding at the end thereof the following: Amend H. J. R. 118 that we also hereby request Coach Sonny Smith reconsider his resignation.

AMENDMENT TABLED

On motion of Rep. Turnham, the amendment offered by Rep. Holmes to the resolution, H. J. R. 118, was tabled.

Yeas 42; Nays 18.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Butler, Carothers, Carter, Crow, Faulk, Flowers, Fuller, Grouby, Hammett, Harvey, Johnson (RG), Laird, Lauderdale, McKee, McMillan, Marietta, Martin, Mathis, Mikell, Moore, Newman, Payne, Penry, Pratt, Rains, Rice, Sasser, Starkey, Starr, Turnham, Venable, White (F) and White (L).

Nays:

Reps. Bachus, Bryant, Buskey (James), Davis, Escott, Gray, Grayson, Hettinger, Holmes, Kennedy, McDowell, McNair, Melton, Newton, Onderdonk, Smith, Spratt and Thomas.

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On motion of Rep. Turnham, the rules were suspended and the resolution, H. J. R. 118, was adopted.

CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H. J. R. 118:

Reps. Adams, Bachus, Beasley, Blake, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (W), Cosby, Crow, Davis, Escott, Faulk, Flowers, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hammett, Hettinger, Holmes, Johnson (RG), Jenkins, Kennedy, Laird, Lauderdale, McDowell, McKee, McNair, Mathis, Mikell, Moore, Newman, Newton, Nicholson, Onderdonk, Payne, Pratt, Preuitt, Rains, Rice, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 29. COMMENDING LIEUTENANT WILLARD M. PIL-GREEN OF MONTGOMERY, ALABAMA, VETERAN LAW ENFORCEMENT OFFICER.

Also:

S. J. R. 35. EXPRESSING LEGISLATIVE INTENT REGARDING THE TERRITORIAL BILL RELATING TO THE SALE OF ALCOHOLIC BEVERAGES.

Also:

S. J. R. 39. MOURNING THE DEATH OF GEORGE L. BEALE OF ASHLAND, ALABAMA.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 264. Relating to Jackson County; providing that it shall be unlawful for anyone to willfully throw or cast headlights or any rays of artificial light

from any motor vehicle in any field, woodland or forest in an attempt to locate deer or any other wildlife with the exception of farmers who may do so while checking livestock on owned, leased or rented land; and providing for penalties.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill, the title of which is set out in the above and foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 119. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That immediately upon adoption of this resolution, the following bills, along with Budget Isolation Resolutions pertinent thereto and attached hereto, shall be made the special, paramount and continuing order of business for the 11th Legislative Day of the 1985 Regular Session, Tuesday, March 19, 1985, taking precedence over any pending or unfinished business or any other business of the House under discussion:

<u>Bill No.</u>	<u>Sponsor</u>	<u>Short Title</u>	<u>Page</u>
H. 148	Marietta	Sunset: Speech Pathology	12
H. 149	Marietta	Sunset: Nursing Home Administrators	13
H. 151	Marietta	Sunset: Bd. of Dental Examiners	13
H. 152	Marietta	Sunset: Bd. of Nursing	14
H. 153	Marietta	Sunset: Bd. of Optometry	14
H. 154	Marietta	Sunset: Bd. of Physical Therapy	14
H. 155	Marietta	Sunset: Bd. of Chiropractic Exam.	15
H. 156	Marietta	Sunset: Bd. of Pharmacy	16
H. 157	Marietta	Sunset: Bd. of Podiatry	16
H. 158	Marietta	Sunset: Bd. of Veterinary Medical Examiners	17
H. 159	Marietta	Sunset: Bd. of Hearing Aid Dealers	17
H. 164	Marietta	Sunset: Bd. of Medical Examiners	17
H. 273	Coburn	Land Management	39
H. 223	Hettinger	Controlled substances; school personnel exempt from liability	6
H. 252	Cosby	Cahaba River protection;	19
H. 87	Flowers	Troy State tags	42

All uncontested local bills

On motion of Rep. Clark (J), the resolution, H. R. 119, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Clark (J), the rules were suspended to permit the reports of the Standing Committees.

H. 615 RE-COMMITTED

On motion of Rep. Turner, the Speaker recommitted the bill, H. 615, to the Standing Committee on Ways and Means.

LEAVE OF ABSENCE

At the request of Rep. Moore, leave of absence was granted for Rep. Seibels.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Clark (J), the rules were suspended to permit introductions of bills and resolutions later in the day.

LEAVE OF ABSENCE

At the request of Rep. Holley, leave of absence was granted for Rep. Johnson (Roy), who was on business out of the state.

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 446. To establish the Alabama Bureau of State Lotteries and provide for the administration and operation of a state lottery; to establish the Legislative Lottery Oversight Committee and the membership, their appointment, duties and authority; to create the office of the commissioner of the bureau of state lotteries; to prescribe the powers and duties of the bureau and the commissioner, and the appointment, qualifications and compensation for the commissioner; to regulate the licensing of agents and the sale of lottery tickets or shares; to provide for the collection of receipts and the distribution of net revenues; for purposes of the general fund, special educational trust fund, medicaid and as needed for a public works program to make an initial appropriation from the general fund of the state treasury to the bureau of state lotteries for implementing the provisions of this Act and to prescribe the manner of repayment of such funds to the said general fund; to require the commissioner to make certain reports to the Governor, the Lottery Advisory Committee, state treasurer and legislature and to prescribe post audits by the state auditor; to require certain state agencies and political subdivisions to provide assistance to the bureau; to require the director of public safety to make investigations in connection with the lottery operations and to perform other law enforcement activity therefor; to provide that upon certification of expenses, the department of public safety shall be reimbursed for actual expenses from lottery overhead funds; to require contracts be made pursuant to the public bid laws; to prohibit certain persons from purchasing lottery tickets or shares; to proscribe the levying of any state, county or local taxes upon the proceeds of any prize awarded by the state lottery; and to prescribe penalties for certain violations and crimes.

H. 372. To provide that certain war veterans shall be entitled to a distinctive auto license plate; to provide for the distribution of said tag; and to provide that said tag shall be issued free of all fees and taxes.

H. 404. To further amend Section 40-23-4, Code of Alabama 1975, as last amended relating to sales tax exemptions so as to repeal a certain partial

exemption on the payment of such tax for certain blind vendors; to further amend Section 40-23-5, Code of Alabama 1975, relating to exemptions from certain state, county, and municipal sales and use taxes, so as to include certain blind vendors.

H. 447. To amend Section 16-25-14 of the Code of Alabama 1975, relating to benefits generally under the teachers' retirement system, so as to provide further for certain benefits under such system.

H. 459. To amend sections 40-12-221, 40-21-84, 40-21-104, 40-23-6, 40-23-66 and 40-26-1 of the Code of Alabama 1975, relating to procedures for making application for certain tax account numbers, so as to require that a certain application processing fee shall accompany such applications with the proceeds from such fees being deposited in the state general fund.

H. 490. To fix the state salary of a district judge at a relationship to the state salary of a circuit judge on October 1, 1986, so that the state salary of a district judge shall be equal to the state salary of the district attorney who practices before the district judge and is an officer of the district judge's court.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 542. (With Amendment): Relating to the subsistence allowance for certain law enforcement officers; to amend Section 36-21-2, Code of Alabama 1975, so as to provide that investigators employed by district attorneys shall be paid such allowance; and to make a supplemental appropriation for fiscal year 1984-85 and an appropriation for 1985-86 to cover the cost.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 524. To amend Section 40-23-4, Code of Alabama 1975, which provides for exemptions from the gross receipts tax, so as to include receipts from the telecasting or broadcasting of athletic contests conducted by non-profit organizations, educational institutions and associations composed of educational institutions within said exemption.

H. 489. To amend Sections 36-30-1 and 36-30-20, Code of Alabama 1975, which provide for compensation for death or disability of certain law enforcement personnel, and Section 36-21-8, Code of Alabama 1975, which provides for the retention of badges and pistols upon retirement by certain law enforcement personnel, so as to include officers of the Department of Industrial Relations within these provisions.

H. 602. Relating to additional expenses of the Alabama Forestry Commission; to make a supplemental appropriation to the Alabama Forestry Commission for the fiscal year ending September 30, 1986, for salaries, operating expenses and equipment purchases of the Commission.

H. 342. To amend Section 9-2-107, Code of Alabama 1975, relating to the State Park Revolving Fund, so as to provide that up to 2% of said fund may be reserved each year for use in major repair and maintenance service of land, buildings, and permanent equipment fixed assets; and capital improvements or alteration to land, buildings, or permanent equipment.

H. 343. To amend Section 9-14-27, Code of Alabama 1975, as last amended, relating to length of term of concession contracts, so as to extend the allowable term for state park concession contracts from six to ten years and the maximum term where major expenditures are made by concessionaire from twelve to eighteen years.

H. 344. To amend certain sections of Chapter 9, Article 11, of Title 41 of the Code of Alabama 1975 to provide that the executive committee of the commission may not be empowered to execute any contract for an amount in excess of \$100,000.00; to provide that the commission offer to its employees any benefits offered to employees of the state of Alabama; to provide that the commission shall establish, operate and maintain a state memorial park to honor Alabamians who participated in all armed conflicts of the United States; and to provide that the \$50,000.00 outstanding indebtedness to the Alabama State Docks Department be forgiven.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 265. (With Substitute): To require local boards of education and all public educational institutions to pay their personnel at least the hourly minimum wage as established by the United States Congress.

Rep. Onderdonk, Vice-Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 613. To amend section 12-15-90 of the code of Alabama 1975, relating to juvenile proceedings so as to provide for the discharge from custody of a minor or child involuntarily committed to the custody of the department of mental health and mental retardation who, in the judgment of the department, has gained maximum benefit from institutional treatment or is no longer in need of the services of the department or has gained maximum benefit from the programs of the department.

Rep. Onderdonk, Vice-Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 646. (With Amendment): To provide for obtaining criminal record checks and background information through investigation of certain child care facility applicants, operators, staff members, and employees as well as any member of an applicant's or operator's family; and to make appropriations out of the general fund to carry out the provisions of this act.

Rep. Onderdonk, Vice-Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 152. To amend Sections 40-18-14(1) and 40-18-15(a)(18) to change the definition of alimony and to add provisions to sections 40-18-8 and 40-18-6 Code of Alabama deferring the recognition of gain on the transfers of

property incident to a divorce and adjusting the basis of such property to reflect such deferral.

H. 609. To provide that each death, serious physical injury or physical injury resulting from one criminal act shall constitute a separate offense except as provided in Code of Alabama 1975, § 13A-5-40 (a)(10).

H. 406. To amend Sections 40-18-14(1) and 40-18-15(a)(18) to change the definition of alimony and to add provisions to sections 40-18-8 and 40-18-6 Code of Alabama deferring the recognition of gain on the transfers of property incident to a divorce and adjusting the basis of such property to reflect such deferral.

H. 587. Relating to all civil actions in tort, contract or otherwise against builders, who construct an improvement on or to real property designed by and constructed under the supervision, administration or observation of an architect or engineer, arising out of any defect or deficiency in the construction of an improvement on or to real property; to provide a definite statute of limitations of three years after a cause of action accrues or arises in all such actions; to provide a bar to relief for all causes of action and to all rights of action which accrue more than seven years after the substantial completion of construction, or construction of an improvement on or to the real property; to provide when a cause of action accrues or arises; to provide that this Act applies to causes of action which have accrued prior to its effective date; to provide that this Act does not create any cause of action; to define terms; and to repeal all conflicting laws.

Rep. Onderdonk, Vice-Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 324. (With Substitute): Relating to all civil actions in tort, contract or otherwise against architects and engineers arising out of any defect or deficiency in the design, planning, testing, supervision, management or observation of construction, or construction of an improvement on or to real estate; to provide a definite statute of limitations of three years after a cause of action accrues or arises in all such actions; to provide a bar to relief for all causes of action and to all rights of action which accrue more than seven years after the substantial completion of construction, or construction of an improvement on or to the real property; to provide when a cause of action accrues or arises; to provide that this Act applies to causes of action which have accrued prior to its effective date; to provide that this Act does not create any cause of action against such architects or engineers; to define terms; and to repeal all conflicting laws.

Rep. Onderdonk, Vice-Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 589. To amend Code of Alabama 1975, §13A-5-40(a)(5) to provide that murder of a law enforcement officer or prison or jail guard on duty is a capital offense regardless of whether the defendant knew or should have known that the victim was an officer or guard on duty; to state the need for such an amendment; to provide for severability; to provide an effective date.

Rep. Onderdonk, Vice-Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 449. (With Amendment): To amend Section 15-10-2, Code of Alabama 1975, which relates to when an officer may execute warrants and his authority to break and enter a dwelling, so as to provide that when an officer executes the warrant, he must make it known under what authority he is doing so.

Rep. Onderdonk, Vice-Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 661. To require any person or entity desiring to operate an amusement ride or amusement attraction in the State of Alabama to make application for and obtain a permit to do so; to require the designation of an agent for service of process; to require proof of liability insurance coverage for personal injury, death or property damage as a condition of obtaining such permit; and to provide penalties for violations.

H. 461. To amend Section 15-21-8, Code of Alabama 1975, which provides for writs of habeas corpus to be granted without delay, so as to provide certain exceptions.

S. 130. To amend Section 29-7-4, Code of Alabama 1975, relating to the compensation and employment of personnel by the Legislative Reference Service, so as to further provide for the hiring of said personnel.

Rep. Onderdonk, Vice-Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 654. (With Substitute): To amend Section 20-2-80, Code of Alabama 1975, which relates to trafficking in illegal drugs, so as to increase the penalties for trafficking; to establish the offense of continuing criminal enterprise for the purpose of trafficking in illegal drugs.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 569. (With Substitute): To amend Section 41-9-708, Code of Alabama 1975, relating to the Alabama Indian Affairs Commission, so as to give the Native Americans of Jackson County representation on said commission.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 25. To amend Sections 36-20-3 and 36-20-31 of the Code of Alabama 1975, which sections relate to surety bond requirements for county and state

at large notaries public, respectively, so as to increase the dollar amount of such bonds.

H. 586. To amend Sections 41-9-660, 41-9-661 and 41-9-664, Code of Alabama 1975, relating to the Foreign Trade and Relation Commission, so as to change the name and the composition of the commission.

H. 643. To regulate the vending or selling of certain items within buildings or on property of the state, its agencies, institutions, colleges, universities, and political subdivisions, to authorize and provide for such vending or selling by blind persons; and to provide for the training and licensing of blind persons to engage in such vending or selling and for the financing of the selling and vending ventures of such blind persons in these public buildings and on this public property.

H. 667. To enact the Interstate Corrections Compact into law and to provide for the permanent or temporary interstate transfer of offenders and prisoners between Alabama and such other states as may legally join into the interstate corrections compact and contract for said transfer with the Commissioner of the Alabama Department of Corrections.

H. 682. To amend Sections 15-18-80, 15-18-81, 15-18-82, 15-18-83, and 15-18-84, Code of Alabama 1975, relating to the execution of death sentences by the state penal system; to delete specific references to Holman prison in procedures for the execution of death sentences; and to convey authority to the Commissioner of the Department of Corrections to designate locations for procedures for the execution of death sentences.

H. 607. Providing for non-profit organizations in the state to purchase goods and services through the purchases and stores division of the department of finance, upon request, and purchase products and services offered by the correctional industries division of the department of corrections.

S. 215. To further provide for payroll deductions for state employees.

H. 483. To amend Section 32-9-1 and 32-9-20, Code of Alabama 1975, relating to motor vehicle sizes and weights so as to further regulate the sizes and weights of motor vehicles on highways in Alabama; to provide for compliance with federal laws regulating same; and to further regulate exceptions and exemptions.

H. 603. To amend Section 41-9-708, Code of Alabama 1975, relating to the Alabama Indian Affairs Commission, so as to give the Ma-Chis Lower Creek Indian Tribe representation on said commission.

H. 606. To amend Section 37-3-4, Code of Alabama 1975, relating to the exemption of certain motor vehicle carriers from regulation by the Public Service Commission, so as to include wrecker services within the exemptions.

S. 111. To amend Section 11-3-4.1, Code of Alabama, 1975, as amended, which relates to commissioners' minimum compensation so as to further provide for such compensation.

H. 689. To further amend Section 32-6-8, Code of Alabama 1975, relating to the operation of motor vehicles by learners, so as to change the name and content of such license to "restricted learner's license" with a photograph in color; change the fees, the period of validity and the examination requirements; and to authorize a license commissioner to make such issuance.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 266. To require public officers and employees and certain other persons who have any financial interest in any hazardous waste disposal site in the state of Alabama to file an annual statement of such financial interest with the Secretary of State and to provide penalties for the noncompliance with this act.

H. 317. To amend Section 34-23-2 of the Code of Alabama, 1975, relating to the practice of pharmacy in this State.

H. 354. To require notice to a parent prior to performing an abortion on an unemancipated minor who is less than eighteen years old to the extent constitutionally permissible; to provide for the enforcement of this Act; and to prescribe penalties for violations.

H. 629. To designate the Department of Mental Health and Mental Retardation as a special school district.

Rep. Grayson, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 219. (With Substitute): To require local school boards, the Alabama Institute for Deaf and Blind, and two-year educational institutions to provide pay and release time to professionally certificated employees to fulfill the requirements of the State Board of Education's professional development program.

Rep. Grayson, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 521. To amend Sections 16-49-26 and 16-49-27, Code of Alabama 1975, which provide for the meetings and quorum of the Board of Trustees of Alabama Agricultural and Mechanical University, so as to provide further for said meetings and quorum.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 622. To amend Section 9-17-24 of the Code of Alabama 1975, as amended, so as to provide for the collection of fees from applicants for Natural Gas Policy Act of 1978 (NGPA) determinations, such fees to be based on the reasonable anticipated cost to the State Oil and Gas Board for the examination and processing of applications; to provide for the deposit of the applications fees for NGPA determinations into a fund known as the Alabama State Oil and Gas Board Special Fund; and to appropriate all moneys deposited in the Alabama State Oil and Gas Board Special Fund for use by the State Oil and Gas Board.

S. 25. To amend Sections 9-4-11 and 9-4-12, Code of Alabama 1975, so as to provide the state geologist with the authority to enter into agreements

with the United States geological survey in the execution of cooperative geologic surveys of the State of Alabama.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 522. To amend Section 11-88-6, Code of Alabama 1975, relating to water, sewer and fire protection authorities, so as to provide further for compensation of members of the board of directors.

H. 583. To amend section 11-50-1.1, Code of Alabama 1975, which prohibits municipalities from acquiring or duplicating services of certain waterworks systems, so as to also prohibit public corporations or entities created or operating pursuant to sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and chapter 50 of Title 11, Code of Alabama 1975, generally, from so acquiring or duplicating such services.

H. 626. To ratify and confirm the organization and operation of twelve regional planning and development commissions in state planning and development districts designated and established by executive order of the Governor pursuant to section 11-85-51, Code of Alabama 1975; and to authorize certain contracts for the purpose of receiving and disbursing governmental and private funds for certain federal, state and local programs.

WHEREAS, the Governor of Alabama by executive order has heretofore defined, designated and established twelve state planning and development districts throughout and within the state of Alabama in keeping with the provisions of section 11-85-51, Code of Alabama 1975; and

WHEREAS, under the provisions of sections 11-85-52 through 11-85-59, Code of Alabama 1975, regional planning and development commissions were authorized to be created by the various governmental units within respective districts; and

WHEREAS, it appears that in attempting to comply with such statutory provisions in the creation of regional planning and development commissions, the various governmental units participating failed to comply with the technical statutory requirements in the creation of their respective regional planning and development commissions within their respective districts, and created their respective commissions in various forms, by formation of nonprofit corporations, by various resolutions of local governments, and by agreements, and/or compacts between local governments; and

WHEREAS, such purported regional planning and development commissions have operated for a number of years as legally created commissions within their respective districts, and have entered into, performed, and administered and are now performing and administering numerous and varied contracts and have expended and are now expending thereunder federal, state, local governmental and/or private funds for various and sundry programs; now therefore,

Rep. Ford, Chairman of the Standing Committee on Military Affairs, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 664. Relating to elections; to provide additional time for overseas Americans to make application for, receive and return absentee ballots; and

for such purpose to amend Code of Alabama 1975, Sections 17-10-3, 17-10-5, 17-10-12, 12-10-13, 17-10-14, and 17-16-11; and to provide an effective date.

Rep. Holmes, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 362. (With Amendments): To amend Section 23-1-6, Code of Alabama 1975, which provides for the highway department to regulate and control the placing of markers, signs, and advertising on the right-of-way of all state-controlled highways; to prohibit the placing of any commercial sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise on the right-of-way of any road, highway, or bridge which is a part of the state highway system whether title to said right-of-way be vested in the State of Alabama in fee, by easement, adverse possession, prescription or by any other means in which title may vest; provide notice to owner and for removal of said signs and penalty for the violation of any provision of this act, and to repeal any and all laws that conflict with any provision of this act.

Rep. Holmes, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 360. To provide that no commercial enterprise or activity shall be maintained, constructed, or located within the right-of-way limits of any highway or bridge on the state highway system whether temporary or permanent, stationary or portable, except utility structures authorized by permit issued by the state highway department; to further provide the penalty for violations.

Rep. Holmes, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 34. (With Substitute): To amend Section 32-12-22 of the Code of Alabama 1975, relating to obtaining a driver's license to operate a motor-driven cycle, so as to provide that the director of public safety or an examining officer shall observe the applicant operate a motor-driven cycle in a competent manner prior to the granting of an operator's license.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 562. Relating to Etowah County; to provide for an expense allowance for the Commission Chairman and each County Commissioner and to provide for its retroactive effect.

H. 570. Relating to Walker County, to amend Act 1067, S. 938 or the 1973 Regular Session (Acts 1973, p. 1802) as amended relating to the county commission, so as to delete the requirement of certain additional meetings in each district of Walker County.

H. 571. Relating to Walker County; providing a monthly expense allowance for each member of the Walker County Commission; and providing that such monthly expense allowance shall be the total expense allowance and shall be paid from the county general fund.

H. 572. Relating to Walker County; to provide that the county governing body may provide clerk-hire allowances to county offices and county officers and to repeal certain conflicting laws.

H. 573. To provide for an additional expense allowance for the sheriff of Walker County.

H. 574. Relating to St. Clair County; providing that the probate judge will be the chairman of the county commission and providing for a referendum.

H. 579. Relating to Lawrence County; providing further for the compensation of election officials.

H. 580. Relating to Lawrence County; providing certain additional compensation for the members of the board of registrars to be paid from the county general fund.

H. 581. Relating to Lawrence County, to amend Act 79-86, H. 50, 1979 Regular Session (Acts of 1979, p. 110), so as to grant exclusive control of the pistol permit fee fund to the sheriff.

H. 614. Relating to Etowah County; to provide for the filing for record and the preservation of all final orders and judgments of the court in criminal cases made by any judge of the circuit court.

H. 624. Relating to Chambers County; authorizing the county commission to levy an additional ad valorem tax in said county to be used for general purposes and providing for a referendum.

H. 628. Proposing an amendment to the Constitution of 1901, relating to the offices of circuit and district court judges of the twenty-ninth judicial circuit and filling the vacancies of such office.

The above bill was read a second time at length as required by the Constitution.

H. 655. Relating to Geneva County; providing an expense allowance to the superintendent of education for the period retroactive from July 1, 1984, through June 30, 1985, payable from the county treasury; and providing for an automatic repealer July 1, 1985.

H. 656. Relating to the salary of the Geneva County Superintendent of Education; establishing an index range for such salary parallel to the current salary for teachers holding the same academic degree, certification level and experience; providing for the Geneva County Board of Education to set such salary.

H. 671. To extend, alter and rearrange the boundary lines and corporate limits of the City of Sylacauga, Talladega County, Alabama.

H. 696. Relating to Randolph County; to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to provide that the provisions of this act shall be retroactive to January 18, 1983.

H. 697. Relating to Clay County; to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to provide that the provisions of this act shall be retroactive to January 18, 1983.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 272. Relating to Mobile County; to prohibit the distribution of campaign literature or other campaign materials within certain distance of polling places on any election day.

S. 265. Relating to the City of Prichard in Mobile County, Alabama; prescribing procedure for filling a vacancy in the office of mayor in such city.

S. 262. Relating to Mobile County; prescribing procedure for filling certain vacancies on the county commission.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

S. 270. (With Amendments): Relating to Mobile County; providing for additional volunteer deputy registrars; providing for their appointments upon the recommendation of the representatives and senators from Mobile County; providing that such volunteer deputy registrars shall serve without pay; and setting the terms concurrently with the legislator making the recommendation for said volunteer.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3 reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 639. Relating to Mobile County; authorizing the judge of probate to sell lists of voters to certain candidates and providing for the disposition of funds from said sales.

H. 138. To alter, rearrange and add to the limits of the City of Satsuma in Mobile County, Alabama, and to describe the area so added to the City of Satsuma.

Rep. Onderdonk, Vice-Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 619. The Probate Court shall have authority and the duty to appoint any suitable person or agency, public or private, including a private association or non-profit corporation as a guardian" for a developmentally disabled person.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Marietta, Budget Isolation Resolution, H. B. 148, was adopted.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Black, Blake, Boles, Box, Brakefield, Brooks, Bryant, Buskey (John), Carothers, Clark (D), Coleman, Faulk, Fuller, Gaston, Goodwin, Grayson, Hammett, Hooper, Johnson (RG), Junkins, Kennedy, Lauderdale, McKee, McMillan, Marietta, Mathis, Mikell, Moore, Newman, Newton, Nicholson, Parker, Payne, Penry, Pratt, Preuitt, Richardson, Sasser, Smith, Spratt, Starr, Trammell, Turner, Turnham, Venable, White (F), White (L) and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 148. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners for Speech Pathology and Audiology as provided in Sections 34-28A-21 through 34-28A-40 of the Code of Alabama 1975, and the legislature's concurrence thereof.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Black, Boles, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (John), Butler, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Dutton, Faulk, Flowers, Gaston, Goodwin, Gray, Grayson, Hammett, Harvey, Hettinger, Holmes, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McKee, McMillan, Marietta, Mathis, Mikell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Pratt, Preuitt, Rains, Richardson, Sasser, Smith, Spratt, Starkey, Starr, Trammell, Turner, Turnham, White (F), White (G) and White (L)

—64

BUDGET ISOLATION RESOLUTION

On motion of Rep. Marietta, Budget Isolation Resolution, H. B. 149, was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (John), Butler, Carothers, Clark (D), Clark (J),

Clark (W), Crow, Gaston, Goodwin, Gray, Grayson, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Laird, Lauderdale, Lindsey, McKee, McMillan, McNair, Marietta, Martin, Mathis, Mikell, Moore, Newman, Newton, Onderdonk, Parker, Payne, Penry, Poole, Preuitt, Rains, Richardson, Sasser, Smith, Spratt, Starkey, Starr, Trammell, Turner, White (F), White (G) and White (L).

—61

And the bill:

H. 149. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Nursing Home Administrators as provided in Sections 34-20-1 through 34-20-16 of the Code of Alabama 1975, with certain modifications; to amend Section 34-20-11, Code of Alabama 1975, so as to provide for an application fee not to exceed \$100.00 and a temporary emergency permit fee not to exceed \$300.00, the exact amount to be determined by the board.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Beers, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (John), Butler, Carothers, Clark (D), Clark (J), Clark (W), Crow, Flowers, Gaston, Goodwin, Gray, Grayson, Hall, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Mikell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Richardson, Sasser, Smith, Spratt, Starkey, Starr, Trammell, Turner, White (F), White (G) and White (L).

—65

BUDGET ISOLATION RESOLUTION

On motion of Rep. Marietta, Budget Isolation Resolution, H. B. 151, was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Albright, Bachus, Beasley, Beers, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (John), Butler, Carothers, Clark (D), Clark (J), Clark (W), Crow, Dutton, Flowers, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Junkins, Kennedy, Lauderdale, McKee, McMillan, Mathis, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Richardson, Sasser, Smith, Spratt, Starkey, Starr, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—64

And the bill:

H. 151. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Dental Examiners as provided in Sections

34-9-1 through 34-9-47 of the Code of Alabama 1975, and the legislature's concurrence thereof.

Was taken up.

AMENDMENT OFFERED

Rep. Holmes offered the following amendment to the bill, H. 151:

Amend H. B. 151. On page 1 line 28 provided however that at least one member of said board must be black.

MOTION TO TABLE LOST

The motion offered by Rep. Marietta to table the amendment offered by Rep. Holmes to the bill, H. 151, was lost.

Yeas 30; Nays 32.

Yeas:

Reps. Albright, Beasley, Blakeney, Boles, Box, Brooks, Clark (D), Clark (J), Faulk, Flowers, Fuller, Hammett, Harper, Hettinger, Hooper, McKee, McMillan, Marietta, Mikell, Moore, Newman, Penry, Rains, Smith, Starkey, Starr, Trammell, Turner, Venable and White (L).

—30

Nays:

Mr. Speaker, Black, Bryant, Bugg, Buskey (James), Buskey (John), Clark (W), Cosby, Davis, Escott, Gray, Grayson, Hall, Holley, Holmes, Kennedy, Lauderdale, McDowell, McNair, Melton, Newton, Nicholson, Onderdonk, Parker, Perdue, Poole, Preuitt, Reed, Rogers, Spratt, Thomas and White (G).

—32

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Holmes to the bill, H. 151, and the amendment was adopted.

Yeas 34; Nays 33.

Yeas:

Mr. Speaker, Albright, Black, Blake, Britnell, Bryant, Bugg, Buskey (James), Buskey (John), Clark (W), Cosby, Davis, Escott, Gray, Grayson, Holmes, Kennedy, Lauderdale, McDowell, McNair, Melton, Mitchell, Newton, Nicholson, Parker, Perdue, Pratt, Preuitt, Reed, Rogers, Spratt, Thomas, Turner and White (G).

—34

Nays:

Reps. Beasley, Blakeney, Boles, Box, Brakefield, Brooks, Carothers, Clark (D), Clark (J), Crow, Faulk, Flowers, Hammett, Harper, Harvey, Hettinger, Hooper, Lindsey, McKee, McMillan, Marietta, Mathis, Mikell, Moore, Newman, Penry, Rice, Richardson, Smith, Starkey, Trammell, Venable and White (L).

—33

And the bill, H. 151, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 3.

Yeas:

Mr. Speaker, Albright, Beasley, Black, Blakeney, Box, Brakefield, Britnell, Bryant, Bugg, Buskey (James), Buskey (John), Carothers, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Rogers, Smith, Spratt, Starkey, Starr, Thomas, Turner, Venable and White (G).

—71

Nays: Reps. Brooks, McKee and Mikell.

—3

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 297. To amend subsection (a)(3) of Section 16-25-14, Code of Alabama 1975, relating to mandatory retirement of teachers to provide that a teacher may be continued in service from year to year past the age of 70 years upon his application and approval by his employer if evidence of physical and mental fitness is furnished.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Marietta, Budget Isolation Resolution, H. B. 152, was adopted.

Yeas 75; Nays 1.

Yeas:

Mr. Speaker, Albright, Beasley, Black, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Carothers, Clark (D), Clark (J), Clark (W), Crow, Davis, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Venable, Warren, White (G), White (L) and Zoghby.

—75

Nay: Rep. Hall.

—1

And the bill:

H. 152. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Nursing as provided in Sections 34-21-1

through 34-21-26 and 31-21-40 through 31-21-63 of the Code of Alabama 1975, and the legislature's concurrence thereof.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Black, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Carothers, Clark (D), Clark (J), Clark (W), Crow, Davis, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Mathis, Melton, Mikell, Moore, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Trammell, Turner, Venable, White (F), White (G) and Zoghby.

—69

BUDGET ISOLATION RESOLUTION

On motion of Rep. Marietta, Budget Isolation Resolution, H. B. 153, was adopted.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Black, Blakeney, Boles, Box, Brakefield, Brooks, Bryant, Buskey (James), Buskey (John), Carothers, Clark (D), Clark (W), Crow, Davis, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McKee, McMillan, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Parker, Penry, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Venable, White (F), White (G), and Zoghby.

—70

And the bill:

H. 153. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Optometry as provided in Sections 34-22-1 through 34-22-43 of the Code of Alabama 1975, and the legislature's concurrence thereof.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Beers, Black, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Carothers, Clark (D), Clark (W), Cosby, Crow, Davis, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Harper, Harvey, Hettinger, Holley, Holmes,

Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, McNair, Marietta, Mathis, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G) and Zoghby.

—77

BUDGET ISOLATION RESOLUTION

On motion of Rep. Marietta, Budget Isolation Resolution, H. B. 154, was adopted.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Beers, Black, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Carothers, Clark (D), Clark (W), Cosby, Crow, Davis, Faulk, Floweres, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Rains, Reed, Richardson, Sasser, Smith, Spratt, Starkey, Starr, Trammell, Turner, Venable, Warren, White (G) and Zoghby.

—73

And the bill:

H. 154. Relating to Alabama Sunset Law; to continue the existence and functioning of the Board of Physical Therapy as provided in Sections 34-24-190 through 34-24-217 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-24-192, 34-24-193, 34-24-194 and 34-24-215, so as to: add two additional members to the board; provide further for qualifications of board members; provide further for travel expenses of the board; change the term "therapy" to "therapist" for consistency with remainder of Chapter 24; provide subpoena powers to compel witnesses attendance and evidence for board meetings; and provide further for special research and educational programs.

Was taken up.

AMENDMENT OFFERED

Rep. Marietta offered the following amendment to the bill, H. 154:

Amend House Bill 154, Section 3, page 2, beginning on line 18, after the words "by the" by striking the following:

~~Alabama chapter of the American Physical Therapy Association. and inserting in lieu thereof the following:~~

current licensees and certified to him by the Board. For the purpose of preparing the list of three names, the Board shall conduct an annual meeting at which all physical therapists and physical therapist assistants holding a current license as identified under the provisions of this Act shall have the right to attend, nominate and vote. The Board shall have the authority to

regulate and prescribe the date, hour and place of the meeting, the method of nomination, and the manner of voting. At least thirty days prior to said meeting the Board shall mail notices to each current licensee at the address shown on his current registration notifying him of the exact date, hour and place of the meeting, the purpose of the meeting and of his right to attend and vote. In the event of a vacancy prior to the next annual meeting, the Governor shall fill such vacancy from the remaining names on the list.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Beers, Black, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (James), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, McNair, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Sasser, Smith, Spratt, Starkey, Starr, Trammell, Turner, Venable, Warren, White (G) and Zoghby.

—75

And the bill, H. 154, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Reps. Albright, Beasley, Black, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Escott, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Hooper, Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, Marietta, Mathis, Melton, Mikell, Moore, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Smith, Spratt, Starkey, Starr, Trammell, Turner, Venable, Warren, White (F) and Zoghby.

—71

BUDGET ISOLATION RESOLUTION

On motion of Rep. Marietta, Budget Isolation Resolution, H. B. 155, was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Black, Blakeney, Boles, Box, Brakefield, Brooks, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holmes,

Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McKee, McMillan, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Payne, Penry, Perdue, Poole, Preuitt, Rains, Reed, Richardson, Sasser, Smith, Spratt, Starr, Trammell, Turner, Venable, White (F) and Zoghby.

—67

And the bill:

H. 155. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Chiropractic Examiners as provided in Sections 34-24-140 through 34-24-172 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-24-140, 34-24-161 and 34-24-162, so as to authorize the board to employ certain investigators, attorneys or agents; to require the board to publish, at cost, a directory of chiropractors; to require issuances of licenses; to provide for reciprocal licensing standards; to provide for lost or changed-name licenses; and to provide for professional signs.

Was taken up.

AMENDMENT OFFERED

Rep. Carothers offered the following amendment to the bill, H. 155:

Amend House Bill 155, in the Title, at the end of line 21, after the word "to" by inserting the following: change the composition of the board;

And on page 2, by striking lines 12 through 34 in their entirety and on page 3 by striking lines 1 through 8 in their entirety and substituting in lieu thereof the following:

“(a) There is hereby created and established a state board of chiropractic examiners. The board shall be composed of ~~five~~ seven members, each of whom shall be: a resident of Alabama who has resided in this state for at least two years; a graduate of a chartered chiropractic school or college, which required actual attendance in the school as a prerequisite to graduation therefrom; currently engaged in such practice in this state for a period of at least two years and of good moral character. ~~Not more than two members of the board shall be graduates of the same chiropractic school or college.~~ As soon as practicable after this article becomes effective, the ~~Alabama State Chiropractic Association, Incorporated,~~ current licensees of each Congressional District shall nominate 15 ~~three~~ persons possessing the above enumerated qualifications and shall submit a list of the persons so nominated to the governor. From this list of nominees the governor shall appoint five ~~one~~ members from each of the seven Congressional Districts to the state board of chiropractic examiners; ~~two~~ three members for a term of one year, each beginning with the date of appointment; ~~two~~ three members for a term of two years each, beginning with the date of appointment; and one member for a term of three years, beginning with the date of appointment. Whenever a vacancy occurs on the board, whether by expiration of the term, death or resignation of a member or other cause, the ~~Alabama State Chiropractic Association shall nominate to the governor three persons for membership on the board, and from this list of nominees the governor shall appoint a member to fill the vacancy on the board.~~ vacancy shall be filled in the same manner as hereinabove prescribed. Before appointing any member of the board, the governor shall satisfy himself that the appointee is of high character and standing and possesses the other qualifications prescribed in this section.

MOTION TO TABLE LOST

The motion offered by Rep. Hettinger to table the amendment offered by Rep. Carothers to the bill, H. 155, was lost.

Yeas 24; Nays 49.

Yeas:

Mr. Speaker, Boles, Box, Brakefield, Britnell, Brooks, Bugg, Buskey (John), Butler, Clark (D), Coburn, Crow, Goodwin, Gray, Hettinger, Lauderdale, McKee, Marietta, Mikell, Perdue, Rains, Starkey, Trammell and Zoghby.

—24

Nays:

Reps. Adams, Albright, Beasley, Biddle, Black, Bryant, Carothers, Carter, Clark (J), Cosby, Davis, Escott, Faulk, Flowers, Ford, Fuller, Grayson, Grouby, Hall, Hammett, Harper, Holley, Hooper, Johnson (RG), Junkins, Kennedy, Laird, McMillan, Mathis, Melton, Newman, Newton, Nicholson, Parker, Penry, Poole, Pratt, Preuitt, Reed, Rice, Rogers, Sasser, Starr, Thomas, Turnham, Venable, Warren, White (F) and White (L).

—49

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Carothers to the bill, H. 155, and the amendment was adopted.

Yeas 63; Nays 6.

Yeas:

Reps. Adams, Albright, Beasley, Biddle, Black, Blakeney, Brakefield, Britnell, Brooks, Bryant, Butler, Carothers, Carter, Clark (D), Clark (J), Cosby, Davis, Faulk, Flowers, Ford, Fuller, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Kennedy, Laird, McKee, McMillan, McNair, Marietta, Mathis, Melton, Mikell, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Sasser, Spratt, Starr, Thomas, Turner, Turnham, Warren, White (F), White (L) and Zoghby.

—63

Nays: Mr. Speaker, Box, Bugg, Crow, Rains and Trammell.

—6

And the bill:

H. 155. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Chiropractic Examiners as provided in Sections 34-24-140 through 34-24-172 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-24-140, 34-24-161 and 34-24-162, so as to change the composition of the board; authorize the board to employ certain investigators, attorneys or agents; to require the board to publish, at cost, a directory of chiropractors; to require issuances of licenses; to provide for reciprocal licensing standards; to provide for lost or changed-name licenses; and to provide for professional signs.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Beasley, Biddle, Black Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Coburn, Cosby, Crow, Davis, Flowers, Ford, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, McNair, Marietta, Martin, Mathis, Mikell, Newman, Newton, Onderdonk, Parker, Payne, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Rogers, Spratt, Starkey, Starr, Thomas, Turner, Turnham, Warren, White (F), White (L) and Zoghby.

—71

BUDGET ISOLATION RESOLUTION

On motion of Rep. Marietta, Budget Isolation Resolution, H. B. 156, was adopted.

Yeas 62; Nays 1.

Yeas:

Mr. Speaker, Albright, Beasley, Boles, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Carothers, Carter, Clark (D), Clark (J), Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Mathis, Melton, Mikell, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Smith, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Warren, White (F), White (L) and Zoghby.

—62

Nay: Rep. Newman.

—1

And the bill:

H. 156. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Pharmacy as provided in Sections 34-23-1 through 34-23-94 of the Code of Alabama 1975, and the legislature's concurrence thereof.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Black, Boles, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Davis, Flowers, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Mathis, Melton, Mikell, Newman, Newton,

Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Rains, Reed, Rice, Richardson, Smith, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Warren, White (F), White (L) and Zoghby.

—69

BUDGET ISOLATION RESOLUTION

On motion of Rep. Marietta, Budget Isolation Resolution, H. B. 157, was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Black, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Butler, Carothers, Carter, Clark (J), Davis, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McKee, Marietta, Martin, Mathis, Melton, Mikell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Poole, Preuitt, Rains, Richardson, Rogers, Smith, Starkey, Starr, Thomas, Trammell, White (L) and Zoghby.

—58

And the bill:

H. 157. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Podiatry as provided in Sections 34-24-230 through 34-24-276 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-24-253, 34-24-255, 34-24-271, 34-24-272 and 34-24-275, so as to increase various fees, the exact amounts to be set by the board; to provide for an application fee; and to provide that certain excess funds shall revert to the state general fund at the end of any fiscal year.

Was taken up.

SUBSTITUTE OFFERED

Rep. Marietta offered the following substitute to the bill, H. 157:

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Podiatry as provided in Sections 34-24-253, 34-24-255, 34-24-257, 34-24-271, 34-24-272 and 34-24-275, so as to increase various fees, the exact amounts to be set by the board; to provide for an application fee; and to provide that certain excess funds shall revert to the state general fund at the end of any fiscal year.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 4-10-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties and recommends the continuance of the Board of Podiatry created and functioning pursuant to Sections 34-24-230 through 34-24-276, Code of Alabama 1975, with the additional recommendations for statutory changes of the board as set out in Section 3 hereof.

Section 2. The existence and functioning of the Board of Podiatry, created pursuant to Sections 34-24-230 through 34-24-276 of the Code of Alabama 1975, are hereby continued, and such Code sections are hereby expressly continued.

Section 3. Sections 34-24-253, 34-24-255, 34-24-257, 34-24-271, 34-24-272 and 34-24-275 of the Code of Alabama 1975 are hereby amended to read as follows:

“§34-24-253.

“The members of the state board of podiatry shall each be entitled to receive \$25.00 for each day actually employed in the discharge of their official duties, and their necessary expenses incurred, out of the funds realized from the fees provided for in this article. Should the funds in the hands of the board at the end of any fiscal year be more than ~~2,500.00~~ \$10,000.00, the excess of this amount shall be paid into the general fund in the state treasury.”

“§34-24-255.

“Every person desiring to commence the practice of podiatry, except as otherwise provided, shall apply to the board and shall pay an application fee as established by the board. The applicant shall thereafter take and pass the standard examination provided in this article and fulfill the other requirements as herein provided. Such applicant must be 19 years of age or over, a citizen of the United States and of good moral character, must be a graduate of a recognized college of podiatry recognized by the American Podiatry Association that requires at least two years of collegiate study prior to enrollment therein and must be able to pass the standard examination prescribed by the state board of podiatry. ~~Each applicant must make proper application and pay to the secretary-treasurer of the state board the sum of \$50.00.~~ Such standard examination shall consist of tests in practical, theoretical and physiological podiatry, in the anatomy and physiology of the human foot, and in pathology as applied to podiatry. Such standard examination shall not be out of keeping with established teachings and adopted textbooks of recognized schools of podiatry. If the applicant satisfactorily passes the examination provided for he shall be issued a license to practice podiatry.”

“§34-24-257.

“If any applicant fails to pass the standard examination, he shall, after six months and prior to 12 months from the date of said failure, be permitted to take a second examination without the payment of any additional fee. Should he fail to pass the second examination, the fee of ~~\$50.00~~ which accompanied his original application shall be forfeited to the board, and he shall not be entitled to another examination without making a new application and paying a fee of ~~\$75.00.~~” the applicable fee.”

“§34-24-271.

“The state board of podiatry may in its discretion issue a license to practice podiatry in Alabama to a legal, ethical and competent practitioner of podiatry who removes to Alabama from another state or territory of the United States, whose standard of requirements is equal to that of Alabama, and in which he has conducted a legal and ethical practice of podiatry for at least three years immediately prior to his removal; provided, that such applicant shall present a certificate from the board of podiatry or a like

board of the state or territory from which he removes, certifying that he is a citizen of the United States, over the age of 19 years, is a legal, competent and ethical podiatrist, of good moral character and that he has been examined and licensed by the examining and licensing board of such state or territory; provided, that such certificate is presented to the state board of podiatry within six months from the date of its issue, and that the board of such other state or territory shall permit in like manner by law the recognition of a like certificate issued by the Alabama state board of podiatry when presented to such other board by a legal practitioner of podiatry from this state who may wish to remove and practice in such state or territory. The fee for a license issued under the provisions of this section shall be \$200.00 \$500.00, which must accompany the application."

"§34-24-272.

"Any person who is a legal, ethical and competent practitioner of podiatry in this state, who has been duly examined and licensed by the state board of podiatry, and of good moral character and known to the board as such, who shall desire to change his residence to another state or territory, or foreign country, shall, upon application to said board and the payment of a fee of \$5.00 \$50.00, receive a special certificate over the signature of the president and secretary-treasurer of said board and bearing its seal which shall attest the facts mentioned in sections 34-24-271 and give the date upon which he was registered and licensed."

"§34-24-275.

"Every licensed podiatrist who desires to continue the practice of podiatry shall annually, on or before the first of October, pay to the secretary-treasurer of the state board a renewal registration fee of \$50.00 in a reasonable amount set by the board and comply with such other conditions as may be prescribed by the state board of podiatry; provided, however, that said license shall be renewed within 30 days after October first, or the licensee shall pay the renewal registration fee and a penalty of \$25.00 \$300.00. Among the conditions to be prescribed by the state board of podiatry is the requirement that evidence be furnished by the applicant for renewal of completion of a continuing education program. Such program shall consist of no less than 12 hours, which shall be obtained at the annual state meeting of the Alabama Podiatry Association or any other continuing education program approved by the state board of podiatry. Any licensed podiatrist who is inactive in the practice of podiatry for a period of two years may have his license renewed to practice his profession on such conditions as may be prescribed by the state board of podiatry."

Section 4. The legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2 and 3 hereof.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (J), Davis, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, Marietta, Mathis, Melton, Mikell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Poole, Rains, Rice, Richardson, Rogers, Smith, Starkey, Starr, Thomas, Trammell, White (F) and Zoghby.

—60

And the bill:

H. 157. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Podiatry as provided in Sections 34-24-253, 34-24-255, 34-24-257, 34-24-271, 34-24-272 and 34-24-275, so as to increase various fees, the exact amounts to be set by the board; to provide for an application fee; and to provide that certain excess funds shall revert to the state general fund at the end of any fiscal year.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Davis, Escott, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Warren, White (F) and Zoghby.

—68

BUDGET ISOLATION RESOLUTION

On motion of Rep. Marietta, Budget Isolation Resolution, H. B. 158, was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (James), Butler, Carothers, Carter, Clark (D), Clark (J), Davis, Escott, Flowers, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Marietta, Martin,

Mathis, Melton, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Thomas, Trammell, Warren, White (F) and White (L).

—66

And the bill:

H. 158. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Veterinary Medical Examiners as provided in Sections 34-29-1 through 34-29-46 of the Code of Alabama 1975, with certain modifications; to amend Section 34-29-44, Code of Alabama 1975, so as to delete the United States citizen requirement of foreign applicants.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 2.

Yeas:

Mr. Speaker, Albright, Beasley, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Butler, Carothers, Carter, Clark (D), Clark (W), Crow, Escott, Flowers, Gaston, Goodwin, Grayson, Grouby, Hall, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Martin, Mathis, Melton, Mikell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turnham, White (F), White (L) and Zoghby.

—68

Nays: Reps. Harper and Holmes.

—2

BUDGET ISOLATION RESOLUTION

On motion of Rep. Marietta, Budget Isolation Resolution, H. B. 159, was adopted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Butler, Carothers, Carter, Clark (D), Coburn, Crow, Davis, Escott, Flowers, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Mathis, Melton, Mikell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Starr, Thomas, Trammell, Turner, Turnham, White (F), White (L) and Zoghby.

—65

And the bill:

H. 159. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Hearing Aid Dealers as provided in Sections 34-14-1 through 34-14-33 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-14-3, 34-14-6, and 34-14-7, Code of Alabama 1975, so as to increase the various fees charged by the board.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Crow, Davis, Escott, Flowers, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Mathis, Melton, Mikell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Starr, Thomas, Trammell, Turnham, White (F) and Zoghby.

—67

BUDGET ISOLATION RESOLUTION

On motion of Rep. Marietta, Budget Isolation Resolution, H. B. 164, was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Buskey (James), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Crow, Davis, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Mathis, Melton, Mikell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turnham, Venable, White (L) and Zoghby.

—64

And the bill:

H. 164. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Medical Examiners and the Medical Licensure Commission as provided in Sections 34-24-50 through 34-24-53, 34-24-55 through 34-24-59, 34-24-70 through 34-24-78 and 34-24-310 through 34-24-367 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-24-53 and 34-24-54 so as to: authorize the Board to create a special fund to defray costs of litigation involving the board and the commission and their members and staff; to provide further for the deposit and disposition of funds of the board; and to provide further for the compensation of members of the board and the commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Burke, Buskey (John), Butler, Carothers, Carter, Clark (D), Coburn, Crow, Davis, Escott, Goodwin, Grayson, Grouby, Hammett, Harper, Hettinger,

Holley, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McMillan, Marietta, Mathis, Melton, Mikell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Smith, Starr, Thomas, Trammell, Turnham, Venable, White (F), White (L) and Zoghby.

—62

BUDGET ISOLATION RESOLUTION

On motion of Rep. Coburn, Budget Isolation Resolution, H. B. 273, was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Bugg, Burke, Carothers, Clark (D), Coburn, Crow, Davis, Escott, Faulk, Gaston, Goodwin, Grouby, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Marietta, Mathis, Melton, Mikell, Moore, Newman, Newton, Nicholson, Parker, Penry, Perdue, Poole, Preuitt, Reed, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Thomas, Trammell, Turnham, Venable, White (L), and Zoghby.

—60

And the bill:

H. 273. To create and establish a state land resources information center within the Lands Division of the Department of Conservation and Natural Resources; to prescribe certain data and information to be compiled by such center; to provide for the administration of such center; to provide for the recording of conveyances relating to land purchased or sold by the State of Alabama or any of its agencies; to provide for certified copies of such conveyances to be made and transmitted to the Lands Division of the Department of Conservation and Natural Resources; to appropriate funds from the Lands Management Fund to implement the provisions of this Act; and to repeal Act No. 81-562, H. 409, 1981 Regular Session, (Acts 1981, p. 946).

Was taken up.

AMENDMENT OFFERED

Rep. Coburn offered the following amendment to the bill, H. 273:

Amend House Bill 273 in Section 1 on page 2 line 7 after the word “institutions” by inserting the following:

“, excepting however, lands acquired for highway rights of way.”

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 71; Nays 1.

Yeas:

Mr. Speaker, Beasley, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Burke, Buskey (John), Butler, Carothers, Clark (D), Clark (J), Coburn, Cosby,

Crow, Davis, Escott, Faulk, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, McNair, Marietta, Mathis, Melton, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turnham, Warren, White (F) and Zoghby.

—71

Nay: Rep. Albright.

—1

And the bill, H. 273 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Faulk, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Mathis, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Smith, Spratt, Starr, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F) and Zoghby.

—76

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Buskey (James), the rules were suspended in order to introduce a resolution out of order.

RESOLUTION

The following resolution was introduced:

By Reps. Buskey (James), Buskey (John), Kennedy and Clark (W):

H. J. R. 120. COMMENDING THE REVEREND AND MRS. ALFRED JULIUS STOKES ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden Wedding Anniversary, January 5, 1985, of the Reverend and Mrs. Alfred Julius Stokes of Mobile, Alabama; and

WHEREAS, in the sight of God, Alfred Julius Stokes and Paralee Nettles were joined in wedlock on January 5, 1935, in Mobile and these two fine people, forsaking all others, have remained in said Holy state for the past 50 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their wedding vows, setting an example to be emulated by all others who, in marriage, pledge themselves to one another until parted by death; and

WHEREAS, in celebration of this milestone in their journey through life together, the Reverend and Mrs. Stokes are to be honored on April 5, 1985, at a reception hosted by their two sons, Alfred Allen and Julius Foster Stokes; guests attending include the honorees' six grandchildren as well as other relatives and numerous friends of the anniversary couple; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Mobile, Alabama, the Reverend and Mrs. Alfred Julius Stokes, and wish them many more happy years together in their union blessed by God and their marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be forwarded to the Reverend and Mrs. Stokes that they may know of our congratulations and warm best wishes for the future.

On motion of Rep. Buskey (James), the rules were suspended and the resolution, H. J. R. 120, was adopted.

NOTICE IN WRITING

Rep. Poole filed the following Notice in Writing:

NOTICE IN WRITING

Notice is hereby given that on the next legislative day, that a motion will be made to amend the Rules of the House to add a new Rule 22a. to read as follows.

Rule 22a. When the principal Alabama Special Educational Trust Fund Appropriation Bill and the principal General Fund Appropriation Bill receive a favorable report by the House Ways and Means Committee, a copy of these budgets must be given to each member of the House one meeting day before they are to be acted on the full House.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hettinger, Budget Isolation Resolution, H. B. 223, was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blakeney, Box, Brakefield, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coleman, Faulk, Flowers, Gaston, Goodwin, Grayson, Grouby, Hammett, Hettinger, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Mathis, Melton, Mitchell, Newman, Nicholson, Onderdonk, Parker, Poole, Pratt, Preuitt, Rains, Rice, Smith, Starkey, Starr, Trammell, Turner, Turnham, Venable, Warren and Zoghby.

—55

H. 223 TEMPORARILY CARRIED OVER

On motion of Rep. Hettinger, consideration of the bill, H. 223, was temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Cosby, Budget Isolation Resolution, H. B. 252, was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coleman, Cosby, Davis, Faulk, Flowers, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, McNair, Marietta, Mathis, Melton, Mikell, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Preuitt, Reed, Rice, Spratt, Starkey, Starr, Trammell, Turner, Venable, Warren, White (L) and Zoghby.

—67

And the bill:

H. 252. To protect, preserve, maintain, and enhance the scenic, recreational and other qualities of the Cahaba River by reinforcing existing surface mining laws, solid waste laws, water pollution laws, and water quality standards in and near the river; to regulate certain alterations and impoundments of the river; to establish a management corridor along the river within which the building or establishment of transportation facilities and other man-made structures and the harvesting of timber may be performed as approved by the Commissioner of Conservation and Natural Resources; and to prescribe remedies and penalties for violation of the act.

Was taken up.

SUBSTITUTE OFFERED

Rep. Cosby offered the following substitute to the bill, H. 252:

A BILL
TO BE ENTITLED
AN ACT

To protect, preserve, maintain, and enhance the scenic, recreational, and other qualities of the Cahaba River by reinforcing existing surface mining laws and water quality standards in and near the river; to regulate certain alterations and impoundments of the river; to establish a management corridor along the river within which the building or establishment of transportation facilities and other man-made structures and the harvesting of timber may be performed as approved by the Commissioner of Conservation and Natural Resources; and to prescribe remedies and penalties for violation of the act.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be known and may be cited as "The Cahaba River Act of 1985."

Section 2. The Legislature of the State of Alabama finds that the Cahaba River possesses outstanding scenic, recreational, geological, fish and

wildlife, botanical, historical, archaeological, and other environmental, scientific, and cultural values of great present and future benefit to the people of Alabama and the nation, and that the Cahaba River is exceptionally valuable, for both the present and the future, as an important supply of drinking water for Alabamians and as a water supply for agricultural use, including livestock watering, crop irrigation, and water table support. The state has a pervasive interest in promoting and preserving those values. The Cahaba River is one of few natural free-flowing rivers remaining in the eastern United States. It is a haven for a wide variety of flora and fauna, several species of which are rare or endangered. In addition, the Cahaba River is a scenic river, valuable as a public recreational outlet for boating, canoeing, swimming, and fishing. These uses and benefits, however, are threatened by the unregulated development of the river. The river should be preserved for these uses and benefits in the future.

Section 3. The purpose of this legislation is to preserve, reclaim, purify, and protect the Cahaba River in order to ensure the continued use and enjoyment by the public of the values and uses which are identified in Section 2 of this act.

Section 4. As used throughout this act, including the preamble and the findings, except where specifically noted to the contrary, the following words have the meanings ascribed to them in this section:

(1) **BEST MANAGEMENT PRACTICES.** The practice or combination of practices determined by a state or designated area planning agency after problem assessment, examination of alternative practices and appropriate public participation, to be the most effective and practicable means, according to technological, economical, environmental and institutional considerations, of preventing or reducing the amount of pollution by non-point sources to a level compatible with water quality goals.

(2) **CAHABA RIVER.**

(a) That river which begins at Echo Lake in northeast Jefferson County and flowing through Jefferson, St. Clair, Shelby, Bibb, Perry, and Dallas Counties to the point where it flows into the Alabama River, provided, however, that this act shall apply only to that portion of the river downstream from the point where the river intersects with Black Creek in the S 1/2 of SE 1/4 of Section 11 of Township 22, South, Range 5 West, in Bibb County; and

(b) The entire length of the Little Cahaba River, which begins at the junction of Shoal Creek and Mayhan Creek in eastern Bibb County to the point where it flows into the Cahaba River.

(3) **CHANNELIZING or CHANNELIZATION.** The practice of changing a natural stream, river, or waterway or a segment thereof into a man-made ditch or canal with channels of relatively uniform width and depth, commonly necessitating the removal of trees and other wooded vegetation adjacent to the stream, river, or waterway.

(4) **CHANNEL REALIGNMENT.** The practice by which dredging, ditching, or other means are used to shorten or reroute the natural course of a stream, river, or waterway.

(5) **CLEARING AND SNAGGING.** The practice of removing by mechanical means most obstructions, trees, snags, or other impediments which retard the natural flow of a stream, river, or waterway. Provided, however,

that the removal of individual obstructions, trees, snags, or impediments with hand tools or hand-held power saws is not included in the definition of clearing and snagging.

(6) **COMMISSIONER.** The Commissioner of Conservation and Natural Resources or such administrative officer as is designated by him to administer the program established under this act.

(7) **FOREST PRACTICE.** The activity relating to the growing, protecting, harvesting or processing of forest tree species on forestland.

(8) **HORIZONTAL DISTANCE.** That distance measured from the surface elevation contour existing at the mean low-water mark of the Cahaba River, extending perpendicularly from said mark in a horizontal fashion along a line which rests horizontally and continuously on the surface elevation contour existing at the said mean low-water mark.

(9) **IMPOUNDMENT.** The total or partial damming of a stream, river, or watercourse so as to substantially alter the natural flow, current, velocity, or depth of the stream, river, or watercourse.

(10) **MANAGEMENT CORRIDOR.** That area of land along and adjacent to the Cahaba River which extends a horizontal distance of 150 feet on either side from the mean low-water mark of that river, provided, however, this limitation shall not apply to areas where the limitation of 100 feet by The Alabama Surface Mining Control and Reclamation Act of 1981 is applicable.

(11) **NON-POINT SOURCES.** Water pollution which is:

(a) Induced by natural processes, including precipitation, seepage, percolation and run-off;

(b) Not traceable to any discreet or identifiable facility; and

(c) Better controlled through the utilization of best management practices, including process and planning techniques.

(12) **PERSON.** Any and all persons, natural or artificial, including, but not limited to, any individual, any responsible corporate officer, any firm, association, or organization, any municipal, public, or private corporation organized or existing under the laws of this or any other state or county, any other body politic or corporate, or any department, agency, agent, or instrumentality of any of the aforesaid persons or entities.

(13) **RIPRAPPING.** The practice of placing rocks or similar material closely together on the banks of a stream, river, or waterway for the purpose of controlling erosion.

(14) **STREAMSIDE MANAGEMENT ZONE.** That area adjacent to the banks of streams or rivers where extra precaution is necessary in carrying out forest practices in order to protect the stream or river bank integrity and water quality.

(15) **SURFACE MINING.** Any activities on the surface of lands in connection with a surface mine of coal, iron, gravel, or any other mineral or material, or any surface operations and surface impacts incident to an underground mine of coal, iron, gravel, or any other mineral or material. Such activities, operations, and impacts shall include, but not be limited to excavation, the use of explosives and blasting, distillation or retorting, leaching

or other chemical or physical processing, and the cleaning, concentrating, or other processing, preparation, or loading of coal, iron, gravel, or any other mineral or material in connection with the surface or underground mine.

Section 5. Any person who engages in surface mining within the management corridor shall comply with The Alabama Surface Mining Control and Reclamation Act of 1981. Any person who causes or allows to be discharged into the Cahaba River by any means, or who maintains or who causes or allows to be accumulated within the management corridor any mining piles, wastes, washings, overburden, or other debris generated by or arising out of or in connection with such person's surface or underground mining activities shall be deemed to have violated this act.

Section 6. The water quality standard for the Cahaba River shall be no lower than the standard established and adopted by the Alabama Water Improvement Commission on October 16, 1972, for the Cahaba River as defined in Section 4 (2) (a) of this act, and the Little Cahaba River, as defined in Section 4 (2) of this act. However, in no event shall said standard be less restrictive than "Fish and Wildlife" as that term is defined in the Alabama Water Improvement Commission's Water Use Classifications for Interstate and Intrastate Waters of the State of Alabama (adopted May 5, 1967, and as amended on June 19, 1967, April 1, 1970, October 16, 1972, and September 1973).

Section 7. Any person who, within the management corridor, constructs or places transportation facilities, utilities, or other permanent man-made structures, or who, within the Cahaba River, constructs a dam or impoundment or carries out channelization, channel realignment, clearing and snagging, or riprapping, must first obtain a permit from the Commissioner of Conservation and Natural Resources. Said permit shall certify that the applicant's activities will meet the requirements of this act, the requirements of regulations promulgated by the Commissioner pursuant to this act, and any additional requirements or conditions imposed by the Commissioner in the permit.

Section 8. Any person who constructs or who causes or allows to be constructed any dam or impoundment on the Cahaba River at any time after the effective date of this act without having first obtained a permit from the Commissioner of Conservation and Natural Resources or in violation of the terms of a permit, a regulation of the Commissioner, or this section shall be deemed to have violated this act. It is hereby established as state policy that there is an important public and state interest in preserving the Cahaba River in its natural condition. Dams and impoundments violate the aforementioned policy, and shall be permitted only when they are necessary to protect and constitute the sole means of promoting a superseding interest in the public health or welfare.

Section 9. Any person who performs or causes to be performed the activity of channelization, channel realignment, clearing and snagging, or riprapping on the Cahaba River at any time after the effective date of this act without having first obtained a permit from the Commissioner of Conservation and Natural Resources or in violation of the terms of a permit, a regulation of the Commissioner, or this section shall be deemed to have violated this act.

Section 10. The Alabama Recommended Forest Management Guidelines, August 1977, adopted by the Alabama Forestry Commission shall be

the concept of best management practices for commercially cut timber within the management corridor. Harvesters must notify the Commissioner of their intentions to exercise the best management practices within the management corridor.

Section 11. The best management practices for agricultural purposes, as established by the State Soil and Water Conservation Committee, shall be the concept used for agricultural purposes within the management corridor. The Commissioner shall be notified of any intention to exercise the best management practices within the management corridor.

Section 12. Any person who constructs or places or who causes or allows to be placed within the management corridor a transportation facility, including but not limited to bridges, roads, and highways, or utility must first obtain a permit from the Commissioner, and must construct or place the facility or utility so as to minimize as much as is practicable any detrimental effect on the scenic, recreational, geological, fish and wildlife, botanical, historical, archaeological, agricultural, drinking water, and other environmental, scientific and cultural values of the Cahaba River. The Commissioner in issuing such permits shall not impose upon any transportation facility or utility any rules, regulations or other requirements which are unreasonable, impracticable or excessively costly and the Commissioner shall not be empowered to impose any user fees or any other charges or fees for the construction, placement or maintenance of any transportation facility or utility anywhere within the management corridor. Such facilities and utilities shall be permitted only after compliance with the foregoing requirements of this section. Nothing in this act shall be construed to prevent, hinder or regulate in any manner the maintenance of such facilities and utilities which existed within the management corridor prior to the enactment of this act or which are subsequently constructed or placed within the management corridor pursuant to a permit from the Commissioner, including the clearing and reclearing of rights-of-ways and easements.

Section 13. Any person who constructs or places or who causes or allows to be placed within the management corridor any other man-made structure, including but not limited to buildings, residences, commercial facilities, commercial advertising signs, and mobile homes, house trailers, campers, or motor homes, must first obtain a permit from the Commissioner, and must construct or place such structure so as not to impair the scenic, recreational, geological, fish and wildlife, botanical, historical, archaeological, agricultural, drinking water, and other environmental, scientific, and cultural values of the Cahaba River. Steps shall be taken, when construction or placement of such structures occurs within the management corridor, to minimize as much as practicable any detrimental effects on the aforementioned values of the Cahaba River. Except in the case of single family residential buildings, such structures may not be permitted unless there is no reasonable alternative to construction or placement within the management corridor.

Section 14. (a) The Legislature recognizes that there are limited areas along the Cahaba River, including that part of the Cahaba River which flows through the City of Centreville, which are traditionally commercial or industrial in character. The Commissioner shall be empowered to establish by regulation limited segments of the management corridor which shall be designated as traditionally commercial areas. Any such areas which are so designated by the Commissioner shall be so designated within six months of the effective date of this act.

(b) Any person who constructs or places or who causes or allows to be placed within a designated traditionally commercial area of the management corridor a transportation facility, including but not limited to bridges, roads, and highways, utility, or any other man-made structure, as set out in Sections 12 and 13 of this act, must first obtain a permit from the Commissioner, and must construct or place such facility, utility, or structure so as to minimize as much as practicable any detrimental effects on the scenic, recreational, geological, fish and wildlife, botanical, historical, archaeological, agricultural, drinking water, and other environmental, scientific, and cultural values of the Cahaba River. When reasonable alternatives for such construction or placement exist outside the management corridor, preference shall be given to the alternative sites outside the management corridor, other factors being equal. Diligent steps shall be taken, when construction or placement of such facilities, utilities, or structures occurs within a designated traditionally commercial area of the management corridor, to minimize as much as practicable any detrimental effects on the aforementioned values of the Cahaba River. Nothing in this act shall be construed to prevent, hinder or regulate in any manner the maintenance of such facilities and utilities which existed within the management corridor prior to the enactment of this act or which are subsequently constructed or placed within the management corridor pursuant to a permit from the Commissioner, including the clearing and reclearing of rights-of-way and easements. All other requirements of this act, aside from the requirements of Sections 12 and 13 which are hereby modified, shall fully apply to activities carried out within designated traditionally commercial areas of the management corridor in the same manner that they apply to the management corridor and Cahaba River generally.

Section 15. Camping along the Cahaba River shall occur only on public lands, and not on private land except when and where permitted by the landowner. However, when the Commissioner designates specific public lands for use as campsites, camping shall occur only on those designated lands, and not on private land except when and where permitted by the landowner.

Section 16. Camp fires along the Cahaba River shall be made only in compliance with state law and only when and where there is no possibility of their causing damage. No open camp fire shall be left untended. All camp fires shall be completely extinguished with water after use. Camp fires along the Cahaba River shall be made only on public lands, and not on private land except when and where permitted by the landowner.

Section 17. Any person who commences or performs any of the activities regulated under Sections 7 through 16 of this act without obtaining a permit or in violation of a permit, a regulation of the Commissioner, or this act shall be deemed to have violated this act.

Section 18. (a) Whenever a written statement is filed with the Commissioner alleging that any person is in violation of any provision of this act, any regulation whose enforcement would further the purposes of this act, or any order issued by any state agency under the authority of this act, the Commissioner may cause to have issued and served upon the person alleged to be committing such violation a written notice which shall specify both the provision of the aforementioned act, regulation, or order which such person is alleged to be violating and the manner in which the person is alleged to be violating the aforementioned act, regulation, or order. The notice shall also require the person complained against to answer the charges of the complaint at a hearing before the Commissioner at a time not less

than 10 days or more than 20 days after the service of notice. Either, upon his own initiative, or at the request of the person charged, the Commissioner shall issue subpoenas requiring the attendance of witnesses and the production of such evidence as may be relevant to such hearing. The person charged may appear in person or by counsel at such hearing. Testimony shall be taken under oath and recorded stenographically at the hearing, and the person charged shall have the right to cross-examine witnesses at the hearing. A copy of the record of the hearing shall be furnished to the person charged upon payment of the cost of such copy. The Commissioner shall enter any order which he deems appropriate on the basis of the evidence presented, and the order may include a civil penalty of up to \$5,000.00 for each violation of this act, payable to the Cahaba River Fund. The Commissioner shall forthwith mail a copy of the order to the person charged or to his attorney of record. If the order is not complied with, an action may be commenced under Sections 19 and 20 of this act to enforce the order; however neither the commencement nor the completion of the administrative procedures shall in any way be considered to be a prerequisite or condition to the filing of an action under Sections 19 and 20 of this act.

(b) A charged person who has been aggrieved by an order of the Commissioner may appeal that order to the Circuit Court of Montgomery County or the county in which the violation subject to the order occurred; provided, however, the appeal must be filed within 30 days after the order is issued. The court shall review the record of the administrative hearing and may hear such other evidence as it deems appropriate, and shall uphold the order unless it is arbitrary, capricious, or without any reasonable foundation in the evidence. If the court determines that the order is arbitrary, capricious, or without any reasonable foundation in the evidence, the case shall be remanded to the Commissioner for further proceedings in accordance with the provisions of this act and the court's order. The parties shall have all rights of exception and appeal as in other cases.

Section 19. Any person who violates or who fails, neglects, or refuses to obey any provision of this act, any regulation whose enforcement would further the purposes of this act, or any permit or order issued by any state agency under the authority of this act, may be compelled to comply with or obey the same by injunction, mandamus, or any other extraordinary writ or other legal or equitable remedy; provided further, that any person who violates or fails, neglects or refuses to obey any provision of this act, any regulation whose enforcement would further the purposes of this act, or any permit or order issued by any state agency under the authority of this act, shall be punished by a fine of not less than \$100.00 but not more than \$1,000.00 for each day of violation, or by imprisonment for not more than six months, or by both.

Section 20. The remedies provided in Sections 18 and 19 of this act shall not be exclusive. In addition thereto, any citizen of the State of Alabama may bring any action available at law or in equity to enforce the provisions of this act, to impose or enforce the payment of \$5,000.00 civil penalty to the Cahaba River Fund, or to enforce or adjudicate his rights and the rights of others similarly situated. Provided, that nothing in this section shall be construed to empower any citizen to bring an action to impose any criminal sanctions under this act. Any citizen or class of citizens contemplating bringing any action under this act, except for a private action brought to recover money damages, must give the Attorney General of the State of Alabama 30 days notice of intent to file the action prior to filing it. Any plaintiff who shall be successful, in whole or in part, as to his citizen's suit

brought under this section shall also be awarded costs of the action and a reasonable attorney's fee. Any plaintiff who shall be unsuccessful shall be ordered to pay the costs of the suit.

It is hereby expressed as the intent of the Legislature that anyone who owns land within the management corridor and who is aggrieved by the failure of the Commissioner to enforce any provision of this act or any regulation whose enforcement would further the purposes of this act, or any order or permit issued by any state agency under authority of this act may avail himself of this section to ensure enforcement of the said act, regulation, order, or permit.

Section 21. In administering the permit program for the Cahaba River and the management corridor, the Commissioner is directed, after holding public hearings on the subject, to adopt and promulgate rules and regulations establishing guidelines and limitations regarding when permits may be issued in particular situations under the requirements of this act. The Commissioner is authorized, after holding public hearings on the subject, to adopt and promulgate reasonable rules and regulations governing the management and orderly public use of the Cahaba River and the management corridor, including use permits, user fees, designated campsites, the franchising of private recreational development projects, and the protection of private lands within and alongside the management corridor. The Commissioner shall hire or assign sufficient enforcement personnel to police the river in order to insure that the river is used in an orderly and peaceful manner, to enforce the provisions of this act, rules and regulations promulgated pursuant to this act, and permits issued under this act, and to protect private lands within and alongside the management corridor. The public hearings authorized in this section shall be held only after due and adequate notice has been given to all interested parties and to owners of real property within the management corridor.

Section 22. The Commissioner shall be advised and assisted as to rules and regulations, permit applications, enforcement procedures, and any other matters coming before the Commissioner concerning the regulation or management of the Cahaba River or the management corridor by the Technical Advisory Council, which shall consist of one geologist, one aquatic biologist, one terrestrial biologist from the State University System, one representative from the Alabama Department of Environmental Management, one representative from the Alabama Historical Commission, one conservationist, one licensed forester, one representative from the Alabama Forestry Association, one representative from the Alabama Coal Association, one representative from the Alabama Farm Bureau Federation, and one person each from, and who resides in, Bibb County, Perry County, and Dallas County. The members of the Technical Advisory Council shall be appointed by the Commissioner, except that member who is appointed as a resident of Bibb, Perry, or Dallas County shall be appointed by the Probate Judge of his or her respective county.

Members of the Council shall serve a term of two years and shall be eligible for reappointment. Any member who shall be absent from more than 25 percent of the meetings of the Council during a 12-month period shall have his or her membership automatically revoked, after which the member may be reappointed once; however, after a second automatic revocation, the member may not be reappointed.

All Council meetings shall be open to the public.

Section 23. Upon receipt of an application for a permit to carry out a regulated activity within the management corridor or in the Cahaba River, the Commissioner shall immediately forward a copy of the application to the Technical Advisory Council and issue a written notice, summarizing the permit application, to all interested parties, including those who have requested to be placed on the Commissioner's permanent mailing list for the Cahaba River. The Council, within 30 days of receiving the copy of the permit application, shall meet for the purpose of rendering its advice to the Commissioner as to whether the application should be approved, disapproved, modified, or conditionally approved or disapproved. The Commissioner shall consider, but not be bound by, the Council's advice, and shall, within 30 days of the Council meeting, approve, disapprove, modify, or conditionally approve or disapprove the application. The failure of the Council to meet within the thirty-day period shall not impair the ability of the Commissioner to act on the application; however, if the Commissioner fails to act within 60 days of the Council's receipt of the application, the permit shall be deemed to have been automatically approved.

Section 24. (a) There is hereby created a fund which shall be known as the Cahaba River Fund. The fund shall consist of, and the Commissioner is authorized to receive and manage, the following:

(1) All money appropriated to the Alabama Department of Conservation and Natural Resources for managing or protecting the Cahaba River by the Legislature of the State of Alabama;

(2) All money received by the Alabama Department of Conservation and Natural Resources from county or municipal governments for managing or protecting the Cahaba River;

(3) All related gifts, grants, bequests, or donations from individuals, associations, corporations, or industries;

(4) All money derived through any source of federal aid;

(5) All money collected as civil penalties under this act;

(6) All money derived from user fees, permit fees, and other fees and charges imposed by the Commissioner; and

(7) All other moneys accruing to the Alabama Department of Conservation and Natural Resources in accordance with the terms of the gift, grant, bequest, appropriation, or donation from which said money is derived.

(b) The moneys in the fund shall be expended by the Commissioner in furtherance of any of the provisions of this act, including but not limited to: the leasing of lands by the Commissioner; the purchase of development rights or scenic easements; the purchase of fee simple or any lesser interests in land; the management of wildlife by either the state, the responsible counties, or any person; and the payment or reimbursement to the responsible counties for enforcing the provisions of this act. The above-cited expenditures shall be made only when the landowner consents to the purchase or lease, shall be made by the Commissioner on behalf and in the name of the State of Alabama, and may be made within or outside the management corridor.

Section 25. Nothing contained in this act shall be construed to preclude any riparian landowner from asserting and enforcing any common law or statutory right, whether civil or criminal, against any trespasser.

Section 26. (a) One who owns or is in possession of premises within or adjoining the management corridor owes no duty of care to persons using the Cahaba River or the management corridor for hunting, fishing, trapping, camping, water sports, hiking, boating, sightseeing, or other recreational purposes to keep such premises safe for entry or use by such persons or to give any warning of hazardous conditions, activities, uses, or structures on such premises to such persons.

(b) One who owns or is in possession of premises within or adjoining the management corridor and who gives permission to another to hunt, fish, trap, camp, hike, sightsee, or engage in any other sporting or recreational activity upon the premises does not thereby extend any assurance that the premises are safe for such purpose, does not thereby constitute the person to whom permission has been granted the legal status of an invitee to whom a duty of care is owed, and does not thereby assume responsibility for or incur liability for any injury to person or property caused by an act of such person to whom permission has been granted.

(c) This section does not limit the liability which otherwise exists for wilful or malicious failure to guard or warn against dangerous conditions, uses, structures, or activities; or for injury suffered in any case where permission to hunt, fish, trap, camp, hike, sightsee, or engage in any other sporting or recreational activity was granted for commercial enterprise for profit; or for injury to third persons to whom the person granting permission or the person who owns or is in possession of the premises owed a duty to keep the premises safe or to warn of danger, wherein such injury was caused by the acts of persons to whom permission to hunt, fish, trap, camp, hike, sightsee, or engage in any other sporting or recreational activity was granted.

Section 27. Nothing contained in this act shall be construed to preclude the Cahaba River from becoming a part of any other state of federal river protection plan or system, provided that water uses, water quality classifications, and land uses of the Cahaba River and the management corridor thereunder would not be less restrictive than those set out in this act.

Section 28. Any landowner whose property lies within the management corridor shall be entitled to a reassessment of the land's value by virtue of the restrictions placed on the use of such land by this act.

Section 29. Nothing contained in this act shall be construed to require any person, firm, corporation, or entity of any kind, that owns or is in possession of property located anywhere on the Cahaba River other than in the management corridor, to comply with any rule, regulation or restriction promulgated pursuant to or set forth in this act, nor shall any such property be in any manner subject thereto.

Section 30. Nothing in this act shall be interpreted as negating or destroying any common law or statutory right, duty, power, or authority of the Attorney General of Alabama.

Section 31. All laws or parts of laws which conflict with this act are hereby expressly repealed; provided, however, that this act is intended to supplement Chapters 22, 22A, 27 and 30 of Title 22, Chapter 6 of Title 33 and Article 1 of Chapter 7 of Title 33, Code of Alabama 1975, and no part of this act shall be construed to repeal any provision of those statutes.

Section 32. The provisions of this act are severable. If any of its sections, subsections, provisions, exceptions, sentences, clauses, phrases, or parts be held unconstitutional or void, the remainder of this act shall continue

in full force and effect, it being the legislative intent, now hereby declared, that this act would have been adopted even if such unconstitutional or void matter had not been included herein. Furthermore, the inapplicability or invalidity of any section, subsection, provision, exception, sentence, clause, phrase, or part in any one or more instances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.

Section 33. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coleman, Cosby, Davis, Faulk, Flowers, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Hettinger, Holmes, Hooper, Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Mathis, Melton, Mikell, Mitchell, Newman, Newton, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Rogers, Starkey, Trammell, Turner, Venable, White (L) and Zoghby.

—62

And the bill:

H. 252. To protect, preserve, maintain, and enhance the scenic, recreational, and other qualities of the Cahaba River by reinforcing existing surface mining laws and water quality standards in and near the river; to regulate certain alterations and impoundments of the river; to establish a management corridor along the river within which the building or establishment of transportation facilities and other man-made structures and the harvesting of timber may be performed as approved by the Commissioner of Conservation and Natural Resources; and to prescribe remedies and penalties for violation of the act.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 73; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blakeney, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Spratt, Starkey, Starr, Trammell, Turner, Turnham, Venable, White (F) and White (L).

—73

Nay: Rep. Holley.

—1

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Turner, the rules were suspended in order to introduce the resolutions, H. J. R. 121 and H. J. R. 122, out of order.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Turner, Zoghby and Box:

H. J. R. 121. COMMENDING MCGILL-TOOLEN HIGH SCHOOL'S JUNIOR VARSITY SOCCER TEAM.

WHEREAS, the Legislature of Alabama, in highest commendation, extends congratulations to the McGill-Toolen High School Junior Varsity Soccer Team on its 1985 League Championship; and

WHEREAS, it is further to be noted that for McGill-Toolen, member of the South Alabama High School Soccer Association, this was their second consecutive League Title; and

WHEREAS, under the leadership of Coaches Bobby Shipp, Dick Laird and the Reverend Patrick Lemming, McGill-Toolen's Junior Varsity ended the season with a phenomenal 12-1-1 overall record; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend McGill-Toolen High School of Mobile, Alabama, on the Junior Varsity's 1985 Soccer Championship.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to McGill-Toolen High School for appropriate presentation and display.

On motion of Rep. Turner, the rules were suspended and the resolution, H. J. R. 121, was adopted.

Also:

By Rep. Turner:

H. J. R. 122. COMMENDING MALCOLM D. DUEITT OF CITRONELLE, ALABAMA.

WHEREAS, the Legislature of Alabama extends heartiest congratulations to Malcolm D. (Chubby) Dueitt of Citronelle, Alabama, upon the occasion of his retirement from Mobil Oil Corporation; and

WHEREAS, a native of Citronelle, Mr. Dueitt is a graduate of Citronelle High School and a veteran of the United States Army Corps of Engineers with three years active service, including 17 months overseas duty, during World War II; and

WHEREAS, Mr. Dueitt's prestigious tenure with Mobil Oil Corporation spanned a period of more than 17 years, one year of which involved offshore work; he had previously worked nine years in various oil fields before joining Mobil; and

WHEREAS, in addition to his career responsibilities, Mr. Dueitt also has been involved in numerous civic and community activities and is a

member of the First Baptist Church, American Legion Post No. 164 and the Citronelle Men's Golf Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Malcolm D. (Chubby) Dueitt of Citronelle, Alabama, on his outstanding career with Mobil Oil Corporation and for his involvement in civic and community affairs.

BE IT FURTHER RESOLVED, That in token of our regard and in expression of our best wishes for every future success, a copy of this resolution shall be forwarded to Mr. Dueitt.

On motion of Rep. Turner, the rules were suspended and the resolution, H. J. R. 122, was adopted.

SPECIAL ORDER RESUMED BUDGET ISOLATION RESOLUTION

On motion of Rep. Flowers, Budget Isolation Resolution, H. B. 87, was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Box, Brakefield, Brooks, Burke, Buskey (John), Butler, Carter, Clark (D), Clark (J), Coleman, Cosby, Crow, Davis, Faulk, Flowers, Ford, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Poole, Pratt, Preuitt, Rains, Rogers, Spratt, Starkey, Starr, Trammell, Turner, Turnham, Venable, Warren, White (F) and Zoghby.

—62

And the bill:

H. 87. (With Amendment): To amend Section 32-6-150, Code of Alabama 1975, which provides for the issuance of personalized motor vehicle license tags or plates, so as to provide for issuance of 9999 Troy State Commemorative tags, to be issued January 1, 1987, through October 31, 1987, for an additional charge, and to provide that the trustees of said University shall design or have designed such commemorative tag.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 87 on page 2 line 12 after the word "period" by inserting the following words "with conventional tags"

And the amendment was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Davis,

Dutton, Faulk, Flowers, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Poole, Pratt, Preuitt, Rains, Rice, Smith, Starkey, Starr, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

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And the bill, H. 87, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Carothers, Carter, Clark (D), Clark (J), Clark (W), Crow, Davis, Dutton, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lindsey, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 87:

Mr. Speaker, Adams, Albright, Beasley, Blakeney, Brakefield, Britnell, Brooks, Bugg, Burke, Butler, Carter, Clark (D), Clark (J), Cosby, Crow, Davis, Dutton, Faulk, Flowers, Gaston, Goodwin, Grayson, Grouby, Hall, Harper, Holley, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, McNair, Marietta, Melton, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Trammell, Venable, Warren, White (F) and White (L).

BUDGET ISOLATION RESOLUTION

On motion of Rep. Bowling, Budget Isolation Resolution, H. B. 616, was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Britnell, Brooks, Bugg, Butler, Carter, Clark (D), Clark (J), Coleman, Cosby, Dutton, Faulk, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harvey, Holley, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Melton, Mikell, Moore, Newman, Newton, Nicholson, Parker, Poole, Pratt, Rains, Reed, Richardson, Smith, Starkey, Starr, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 616. To provide for the hiring of clerical assistance for the District Attorney of the 32nd Judicial Circuit, which is composed of Cullman County, and to specifically repeal Act No. 123, H. 219, Regular Session 1971 (Acts 1971, p. 402).

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 1.

Yeas:

Mr. Speaker, Adams, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (James), Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Faulk, Gaston, Goodwin, Gray, Grouby, Hall, Harvey, Junkins, Kvalheim, Lauderdale, McMillan, Mathis, Melton, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Pratt, Rains, Reed, Smith, Spratt, Starkey, White (L) and Zoghby.

—45

Nay: Rep. Mikell.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Starkey, Budget Isolation Resolution, H. B. 617, was adopted.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Black, Blakeney, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (James), Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Faulk, Gaston, Goodwin, Grouby, Hall, Harvey, Holley, Junkins, Kvalheim, Lauderdale, McMillan, Mathis, Melton, Newman, Newton, Nicholson, Onderdonk, Parker, Poole, Pratt, Rains, Reed, Richardson, Spratt, Starkey, Trammell, Warren and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 617. Relating to Lauderdale County; to amend further Section 2 of Act No. 88, S. 181, 1959 Regular Session (Acts 1959, p. 509), which act

provides for the county law library, so as to provide further for the collection of court costs for the maintenance of said library.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Coleman, Cosby, Dutton, Faulk, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harvey, Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Mathis, Melton, Newman, Newton, Nicholson, Parker, Poole, Pratt, Rains, Reed, Richardson, Smith, Starkey, Trammell, Turner, Venable and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. McNair, Budget Isolation Resolution, S. B. 117, was adopted.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Davis, Faulk, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harvey, Johnson (RG), Junkins, Kvalheim, Lauderdale, Martin, Mathis, Melton, Newman, Newton, Parker, Poole, Reed, Rogers, Spratt, Turner, White (L) and Zoghby.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 117. To authorize the Board of Managers of the City of Birmingham Retirement and Relief System to consider the application of Catherine E. Robertson for a pension based upon extraordinary disability and to award such pension if, in the judgment of the board of managers, such pension is required; and to provide for the conditions and limitations applying to such pension.

Was read a third time at length and passed.

Yeas 58; Nays 0.

Yeas:

Reps. Adams, Albright, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Crow, Davis, Dutton, Faulk, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harvey, Holley, Junkins, Kennedy, Lauderdale, McNair, Martin, Mathis, Melton, Mikell, Newton, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Reed, Richardson, Rogers, Spratt, Starkey, Trammell, Turner, Turnham, Venable, White (L) and Zoghby.

—58

BUDGET ISOLATION RESOLUTION

On motion of Rep. Turner, Budget Isolation Resolution, H. B. 638, was adopted.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Albright, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J) Coleman, Cosby, Crow, Davis, Faulk, Flowers, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harvey, Johnson (RG), Junkins, Kennedy, Lauderdale, Martin, Mathis, Melton, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Reed, Richardson, Spratt, Trammell, Turner, Turnham, Venable, White (L) and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 638. Relating to Mobile County; providing that any municipality within the county, which collects taxes levied by the municipality on any athletic events held by any school shall be refunded to the athletic department of the school from which such taxes were collected.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Albright, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Crow, Dutton, Faulk, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harvey, Holley, Johnson (RG), Kennedy, Kvalheim,

Lauderdale, Martin, Mathis, Melton, Moore, Newton, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Reed, Richardson, Smith, Spratt, Starkey, Turner, Turnham, Venable, White (L) and Zoghyb.

—54

RESOLUTIONS

The following resolutions were introduced:

By Rep. Richardson:

H. J. R. 123. COMMENDING LEWIS WENDELL PAGE FOR OUTSTANDING SERVICE TO THE SCOTTSBORO-JACKSON COUNTY COMMUNITY.

WHEREAS, Lewis Wendell Page of Scottsboro, Alabama, is a retired educator who devoted some 40 years of his life as teacher and administrator in the schools of Jackson County and Scottsboro; and

WHEREAS, in recognition of this distinguished service and in gratitude for his numerous contributions in the field of education, the Scottsboro City School System, in 1977, named the Lewis Wendell Page Elementary School in his honor; and

WHEREAS, Mr. Page further has made significant contributions, through support and service, to the Scottsboro-Jackson Heritage Center, Civitan Club, Broad Street Church of Christ of Scottsboro, and in the areas of history and genealogy; and

WHEREAS in 1983, Mr. Page also was recognized for dedicated and outstanding service to the Scottsboro-Jackson Heritage Center program with the Legion of Leaders award of the Scottsboro-Jackson Chamber of Commerce; and

WHEREAS, Mr. Page, is a longtime member of Broad Street Church of Christ where he served from 1961-1977 as Bible Study Coordinator and has taught numerous Bible classes; he is an accomplished musician and, in addition to his service as church songleader, also directs choral presentations for funerals and at the Jackson County Nursing Home; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation of Lewis Wendell Page of Scottsboro, Alabama, for outstanding community service; we further direct that a copy of this resolution be forwarded to Mr. Page that he may know of our sincere praise, deep admiration and regard.

On motion of Rep. Richardson, the rules were suspended and the resolution, H. J. R. 123, was adopted.

Also:

By Rep. Richardson:

H. J. R. 124. COMMENDING MRS. DORA WINTERS OF BRYANT, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

WHEREAS, the Alabama Legislature, in highest commendation, notes the numerous contributions of Mrs. Dora Winters to the Bryant Community and adjacent areas in Jackson County, Alabama; and

WHEREAS, Mrs. Winters, whose volunteerism encompasses numerous areas of community concern, including church and civic affairs, is most particularly active with the Retired Senior Volunteer Program of Scottsboro; and

WHEREAS, having joined RSVP in 1977, Mrs. Winters has served as the program's Bryant Area coordinator for the past eight years and, during the 50th Anniversary T.V.A. grant year, served as energy conservation coordinator, handling the weighty responsibilities of the weatherization program in Jackson County; and

WHEREAS, Mrs. Winters, who is affectionately and widely known as "Miss Dora," spends countless hours in volunteer service to the elderly who are in need of assistance; she works in such areas as cheese distribution and transportation, among others, and also is involved in political activities, countywide, and most especially with issues concerning senior citizens, social services and education; and

WHEREAS, Mrs. Winters is indeed an example to be emulated by those seeking to serve their fellowman; she has given greatly of her time and talents, and the Bryant Community and all of Jackson County are better communities because of "Miss Dora" and her concern for others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Dora Winters for outstanding community service and direct that she receive a copy of this resolution, executed in sincere praise and highest personal regard.

On motion of Rep. Richardson, the rules were suspended and the resolution, H. J. R. 124, was adopted.

Also:

By Reps. Hooper, McKee, Mikell and Starr:

H. J. R. 125. COMMENDING OWEN ARONOV, PRESIDENT, 1985, OF THE MONTGOMERY BOARD OF REALTORS.

WHEREAS, in a sense of highest commendation, the Alabama Legislature notes the election of Owen Aronov of Montgomery as 1985 president of the Montgomery Board of Realtors; and

WHEREAS, Mr. Aronov, senior vice president and vice chairman of the board of directors of Aronov Realty, also is the immediate past president of the Multiple Listing Service in Montgomery, and is a state director for the International Council of Shopping Centers; and

WHEREAS, he further serves as regional vice president and member of the board of trustees of the Alabama Association of Realtors, is vice chairman of the organization's Legislative Committee and is a member of both the Political Action and Finance Committees; and

WHEREAS, Mr. Aronov, who also is involved in the activities of a number of civic and community organizations, is a member of the Montgomery Lions Club, serves on the boards of directors of Central Bank and the American Heart Association, and is a trustee of the Montgomery Y.M.C.O.; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize Owen Aronov of Montgomery, Alabama, for outstanding professional and community contributions; we further congratulate Mr. Aronov as president of the Montgomery Board of Realtors and direct that he receive a copy of this commendatory resolution of the Alabama Legislature.

On motion of Rep. Hooper, the rules were suspended and the resolution, H. J. R. 125, was adopted.

Also:

By Reps. Hooper, McKee, Mikell, Starr, Burke and Fuller:

H. J. R. 126. COMMENDING MR. GEORGE WILDER AND THE STAFF OF THE LOCKER ROOM.

WHEREAS, The Locker Room is a prominent retail operation, located in Montgomery, which enjoys an excellent reputation for high quality men's clothing in the latest fashions and trends; and

WHEREAS, The Locker Room, which is owned and operated by George Wilder, also is noted for its capable staff, all of whom have greatly contributed to the store's outstanding success; and

WHEREAS, since its opening, The Locker Room has experienced tremendous growth, and now numbers among its clientele the fashion-conscious men of Montgomery as well as those from throughout South Central Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend George Wilder and his staff on the outstanding success of The Locker Room and for his efforts in bringing to Montgomery the latest fashion in highest quality men's clothing.

BE IT FURTHER RESOLVED, That in small token of our regard, a copy of this resolution shall be forwarded to Mr. Wilder and his staff.

On motion of Rep. Hooper, the rules were suspended and the resolution, H. J. R. 126, was adopted.

Also:

By Reps. Hooper, McKee, Mikell and Starr:

H. J. R. 127. COMMENDING HAROLD MCLEMORE AND BUD SKINNER OF MONTGOMERY, ALABAMA.

WHEREAS, Harold McLemore and Bud Skinner are the owners and operators of Jubilee, one of Montgomery's newest and most popular restaurants; and

WHEREAS, shortly after its opening, Jubilee quickly became known for the excellence of its seafood dishes and, in less than one year, has become a highly successful enterprise; and

WHEREAS, though located in a small neighborhood shopping center, Montgomery residents, as well as visitors to the capital city, have beaten a path to Jubilee's doors to enjoy the restaurant's delicious seafood delicacies, so skillfully prepared by Messers McLemore and Skinner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and congratulate Harold McLemore and Bud Skinner on the outstanding success of Jubilee and direct that each receive a copy of this commendatory resolution of the Alabama Legislature.

On motion of Rep. Hooper, the rules were suspended and the resolution, H. J. R. 127, was adopted.

Also:

By Reps. Hooper, McKee, Mikell and Starr:

H. J. R. 128. COMMENDING HENIG FURS, INCORPORATED, OF MONTGOMERY, ALABAMA, FOR THE OUTSTANDING SUCCESS OF ITS OPERATION.

WHEREAS, Henig Furs, Inc., is a Montgomery-based firm and a fourth generation business that is now owned and operated by John A. and Michael David Henig; and

WHEREAS, during the past few years and as a result of the highly competent present management, Henig Furs has nearly quadrupled in size based on sales and productivity; and

WHEREAS, it is to be noted further that Henig now shows and sells its furs in some 170 stores throughout the United States and Canada, and the company's furs also have been featured in Vogue Magazine; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize Henig Furs, Inc., for the outstanding success of its operation and for the corporation's tremendous contributions to the business community of Montgomery and to the prestige of the State of Alabama.

BE IT FURTHER RESOLVED, That in sincere expression of commendation, a copy of this resolution shall be forwarded to John A. and Michael David Henig.

On motion of Rep. Hooper, the rules were suspended and the resolution, H. J. R. 128, was adopted.

Also:

By Reps. Hooper, McKee, Mikell and Starr:

H. J. R. 129. COMMENDING HOMECOMING QUEEN RHONDA ZORN OF AUBURN UNIVERSITY AT MONTGOMERY.

WHEREAS, the Legislature of Alabama, in highest commendation, extends congratulations to Miss Rhonda Zorn, 1985 Homecoming Queen at Auburn University at Montgomery; and

WHEREAS, the lovely Miss Zorn, daughter of Dr. and Mrs. Jack Zorn of Montgomery, is a senior at AUM, majoring in political science with double minors in speech and marketing; and

WHEREAS, Miss Zorn, who is a member and vice president of Alpha Gamma Delta social sorority, was crowned during homecoming ceremonies of the AUM-Alabama Christian College basketball game which culminated in a big 72-39 victory by the homecoming hosts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate AUM's Homecoming Queen, Rhonda Zorn of Montgomery, Alabama, and direct that she receive a copy of this resolution that she may know of our sincere praise and our warm best wishes for every future success in life.

On motion of Rep. Hooper, the rules were suspended and the resolution, H. J. R. 129, was adopted.

Also:

By Rep. Beasley:

H. J. R. 130. CONGRATULATING MR. AND MRS. CLYDE HAGLER ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

WHEREAS, the Legislature of Alabama notes with great pleasure the recent 60th Wedding Anniversary, on February 21, 1985, of Mr. and Mrs. Clyde Hagler of the Kinsey Community in Houston County; and

WHEREAS, they have since, February 21, 1925, lived their lives as one, devoted each to the other, and have remained steadfastly faithful to their marriage vows, setting an enviable example for others to follow; and

WHEREAS, Mr. and Mrs. Hagler celebrated this occasion on Sunday, February 24, 1985, at a covered-dish lunch with their family including children, in-laws, grandchildren and great grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple, Mr. and Mrs. Clyde Hagler of the Kinsey Community in Houston County, and wish them many more happy years together.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mr. and Mrs. Hagler that they may be aware of our congratulations and of our warm best wishes on this momentous occasion.

On motion of Rep. Beasley, the rules were suspended and the resolution, H. J. R. 130, was adopted.

SPECIAL ORDER RESUMED BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution, H. B. 190, was adopted.

Yeas 36; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blakeney, Brooks, Bryant, Buskey (John), Carothers, Clark (D), Clark (W), Faulk, Gaston, Goodwin, Grayson, Grouby, Hettinger, Holley, Hooper, Kennedy, Kvalheim, Mathis, Mikell, Newman, Newton, Nicholson, Onderdonk, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Spratt, Turner, Turnham and Zoghby.

—36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 190. (With Amendment): Relating to Mobile County; requiring the county governing body to pay from the county general fund, or any fund designated for roads and bridges, the expense of relocating certain water pipes and lines, owned by rural water or municipal water systems when outside of the municipalities' police jurisdiction, as a result of certain public roads maintenance, construction, bridge repair or replacement; and repealing conflicting laws.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. B. 190, page 1, Section 2 (b), line 31 after the word "installed" by striking ~~within four years of~~ and inserting in lieu thereof the following: four years prior to

And the amendment was adopted.

Yeas 38; Nays 0.

Yeas:

Mr. Speaker, Black, Blakeney, Box, Brooks, Bryant, Buskey (James), Buskey (John), Clark (J), Clark (W), Faulk, Ford, Gaston, Goodwin, Grayson, Grouby, Hammett, Hettinger, Holley, Hooper, Junkins, Kennedy, Kvalheim, Mikell, Newman, Newton, Nicholson, Onderdonk, Parker, Poole, Rains, Reed, Richardson, Spratt, Turner, Turnham, White (L) and Zoghby.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Harper offered the following amendment to the bill, H. 190 as amended:

Amend line 14 after the words "water pipes" and add the words, gas pipes.

Amend line 15 after the words "municipal water" and add the words or gas.

Amend line 23, 24, and after the words "water pipes" and add the words, gas pipes.

Amend line 30 after the word "pipes" and add the words, gas pipes.

Amend line 31 after the word "years", add prior to and strike the word "of".

Amend line 26 after the word water add the words or gas system;

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blakeney, Box, Brooks, Bryant, Buskey (James), Buskey (John), Butler, Clark (D), Clark (J), Clark (W), Crow, Faulk, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Hettinger, Holley, Kvalheim, Lauderdale, Mitchell, Newton, Nicholson, Parker, Perdue, Poole, Pratt, Rains, Reed, Rice, Spratt, Turner, Turnham, Venable, White (L) and Zoghby.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 190. Relating to Mobile County; requiring the county governing body to pay from the county general fund, or any fund designated for roads and bridges, the expense of relocating certain water pipes, gas pipes and lines, owned by rural water or municipal water or gas systems when outside of the municipalities' police jurisdiction, as a result of certain public roads maintenance, construction, bridge repair or replacement; and repealing conflicting laws.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blakeney, Box, Brakefield, Brooks, Bryant, Buskey (James), Buskey (John), Clark (D), Clark (J), Clark (W), Crow, Faulk, Gaston, Goodwin, Grayson, Grouby, Harper, Hettinger, Holley, Jenkins, Kennedy, Kvalheim, Lauderdale, Martin, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Poole, Rains, Reed, Rice, Richardson, Spratt, Starkey, Turner, Turnham, Venable, White (L) and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Fuller and Laird:

H. R. 131. MOURNING THE DEATH OF MARK T. WALLS OF LANETT, ALABAMA.

Also:

By Rep. Junkins:

H. R. 132. MOURNING THE DEATH OF EUGENE VALENTINE HOLCOMB OF CEDARTOWN, GEORGIA.

Also:

By Rep. Junkins:

H. R. 133. MOURNING THE DEATH OF THE REVEREND ALBERT VARDAMAN BEAUBE OF GADSDEN, ALABAMA.

Also:

The following resolutions were introduced:

By Rep. Rice:

H. R. 134. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, March 19, 1985, we adjourn to meet Thursday, March 21, 1985 at 10 A.M.

On motion of Rep. Rice, the rules were suspended and the resolution, H. R. 134, was adopted.

Also:

By Rep. Cosby:

H. J. R. 135. COMMENDING MEADOWVIEW CHRISTIAN SCHOOL, SELMA, ALABAMA, STATE APSA 3-A FOOTBALL CHAMPIONS.

WHEREAS, the Legislature of Alabama, in highest commendation, congratulates the Meadowview Christian School Trojans on their 1984 State 3-A Football Championship of the Alabama Private School Association; and

WHEREAS, under the talented direction of Head Coach Bobby Wasden and his capable assistants, Coaches Roger Taylor and Pat Tidmore, the Trojans finished their regular season with a phenomenal 10-0 record, scoring a total of 322 points while ceding only 74 to their opponents; and

WHEREAS, the Trojans upped that fabulous record to 12-0 for the season and 390 points over 88, following the State Playoffs and a 42-7 trouncing of Marengo in the opening round and a decisive 26-7 win over Pickens in the Championship game; and

WHEREAS, triumphant in victory and carrying the State Title back to Selma were Trojans Sean Sims, Greg Ealum, Bubba Wade, Joe Tidmore, Charles Warren, Sam Dean, Mike Morrison, Doug Pitts, Sam Roberts, Cuffie Robbins, Cary Edwards, Darrell Pugh, Mark Boswell, Raymond Sanders, Mark Huffman, Tommy Weber, Jimbo Small, Shane Walton, Mike Hill, Shayne Wasden, Trampus Gougler, Art Thomas, Robby Johnson, Tom Knott, Darren Anderson, Charles Hale, Lee Nichols, Blake Fancher, Ricky Hinds, Jim Ellis, Rodney Carr, Ronnie Warren, Donald Ellis, Roger Stockman and Shane Harrison; Robby Redd served as team trainer and cheering the Trojans were varsity cheerleaders Jennifer Blackwell, Sharon Broadhead, Kristin Dunkin, Sherri Harris, Pam Lewellen, Kim Pierson, Vicki Rhodes, Mary Roberts, Tracey Ross, and Cheryl Tyson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Coach Bobby Wasden and staff, and the Meadowview Christian School Trojans on their State Football Championship and direct that copies of this resolution be forwarded to the school for appropriate presentation and display.

On motion of Rep. Cosby, the rules were suspended and the resolution, H. J. R. 135, was adopted.

Also:

By Reps. Cosby, Bryant and Thomas:

H. J. R. 136. COMMENDING AND CONGRATULATING SOUTHSIDE HIGH SCHOOL, SELMA, ALABAMA, STATE 5A BASKETBALL CHAMPIONS.

WHEREAS, in highest commendation, the Alabama Legislature congratulates Southside High School of Selma, Alabama, on their 1985 State 5A Basketball Championship; and

WHEREAS, under the talented leadership of Head Coach Mike Pugh and his assistant, Coach Jim Parker, the Southside Panthers took all three rounds in the Alabama High School Athletic Association state tournament, winning the championship game 58-56 over the top-ranked Hayes Pacesetters who were 30-4 for the season; and

WHEREAS, winning the first state championship ever for Southside High School were Tournament MVP Rodney Steavens, who also was named to the All-tournament team along with Nathaniel Rivers, and Panthers Mickey Tyre, Greg Stallworth, Pat Moorer, Carl Butler, Jeff Bonner, Arthur Soles, John Tarver, Mike Glover and Robert Minor; and

WHEREAS, serving as team managers for the Southside Panthers were Lee Brown and Jeffrey Perryman; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Southside High School on their outstanding 25-6 season record and the 1985 State 5A Basketball Championship.

BE IT FURTHER RESOLVED, That in token of our sincere praise and regard, a copy of this resolution shall be forwarded to Coach Pugh, on behalf of his staff and his champion Panthers, with a copy also provided for appropriate school display.

On motion of Rep. Cosby, the rules were suspended and the resolution, H. J. R. 136, was adopted.

Also:

By Reps. Johnson (RG) and Sasser:

H. J. R. 137. COMMENDING JOHN FRANK CARTER OF SYLACAUGA, 1984 OUTSTANDING SECONDARY SCHOOL PRINCIPAL OF ALABAMA.

WHEREAS, the Alabama Legislature, in pleased concurrence, notes the selection of John Frank Carter of Sylacauga by his colleagues as the outstanding secondary school principal of Alabama; and

WHEREAS, he represented Alabama at the "In Honor Excellence" symposium at Captiva Island, Florida, initiated this year to recognize outstanding secondary school principals and classroom teachers who represent the best of their profession in the nation; and

WHEREAS, a native of Brantley and a graduate of Brantley High School attended Troy State University and received his B. S. Degree in Health Physical Education and Recreation (HPER) and Social Studies; he attended the University of Alabama, receiving his Masters Degree in HPER and School Administration and being inducted the same year into the University of Alabama Chapter of Phi Delta Kappa; and further receiving thirty-three hours of additional credit in School Administration; and

WHEREAS, he is married to the former Janice Tillery, who is also a native of Brantley and they have two daughters, Kathy and Amanda; and

WHEREAS, Mr. Carter was appointed to the Ethics Committee by the Alabama Association of Secondary School Principals for the purpose of writing a code of ethics for all principals and supervisors in Alabama in 1979; he was selected by the University of Alabama to serve on a committee to reconstruct the curriculum for administrators K through 12; he was selected by the State Superintendent of Education and the Governor to serve as a leadership specialist in Local Control of Education for the Leadership and Management Improvement Program of the Governor's Plan in 1980; and

WHEREAS, as principal of Sylacauga High School, he initiated a curriculum improvement change more than a decade ago that is comparable to the "Plan of Excellence" the State Superintendent and Board of Education put into practice this school year; and

WHEREAS, Mr. Carter has served as President of the Alabama Association of Secondary School Principals and during his term as president he was invited to meet with President Reagan and also was instrumental in initiating the first Fall conference to be held annually by AASSP; and

WHEREAS, he has been very active in NASSP, where he has served as chairman, speaker, or discussion leader at five of the last eight national conventions; he was recently elected by his colleagues to the office of State Coordinator for the purpose of coordinating the work and various programs of the NASSP with that of the AASSP; and

WHEREAS, he has been presented with a resolution by the State Board of Education for his recently being selected as the outstanding secondary school principal; and

WHEREAS, his school has been nominated as one of the top seven secondary schools of Alabama to participate in the 1984-85 Secondary School Recognition Program sponsored by the United States Department of Education and his school has been selected by the United States Department of Education for a site visit by officials from Washington, D. C. and

WHEREAS, Mr. Carter has been recognized and congratulated for his accomplishments in education by Dr. Scott Thompson, Executive Director of NASSP; Dr. Joe Morton, Superintendent of the Sylacauga Board of Education; Honorable Howell Heflin, U. S. Senator; Honorable Bill Nichols, U. S. Congressman and Honorable George C. Wallace, Governor; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise

and commend John Frank Carter on his many outstanding accomplishments and his serving as Ambassador for Sylacauga and the Great State of Alabama, and for being selected as "The 1984 Outstanding Principal of Alabama" in the first "In Honor of Excellence" program.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Carter with a copy also provided for appropriate school display and a copy also provided for the Sylacauga Board of Education, as a token of our great pride in Mr. Carter as our Ambassador for Alabama in the field of education.

On motion of Rep. Johnson (RG), the rules were suspended and the resolution, H. J. R. 137, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Mathis (With Notice and Proof):

H. 711. Relating to Geneva County; authorizing the Geneva County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefor; providing for an advisory referendum on the issue of adding such additional county tax; and prescribing misdemeanor penalties against those who violate the provisions of this act.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 711, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Starkey, Clark (J), and Harvey:

H. 712. To amend §40-12-262, Code of Alabama 1975, relating to trip permits; and to require cab cards of international registration plan vehicles be present in the vehicle; to provide for temporary trip permits; to provide penalties for violations of this section.

Committee on State Administration.

By Reps. Starkey, Clark (J), and Harvey:

H. 713. To authorize the Highway Director, the Executive Secretary to the Governor, and the Director of Finance to become a public corporation; to prescribe the powers of such corporation, including the power to construct industrial access roads and bridges in the state and to finance such construction by the issuance from time to time of its bonds in an aggregate principal amount of up to \$25,000,000 at any time outstanding when the Governor shall determine that the issuance of its bonds is necessary to assure the availability of funds for payment of the cost of such roads and bridges; to provide that such bonds and the income therefrom shall be exempt from taxation and may be used to secure deposits of funds of the state and its instrumentalities and agencies and for investment of trust and other fiduciary

funds; to provide that bonds issued by the corporation shall be limited obligations of the corporation and shall not create an obligation or debt of the state; to provide that bonds issued by the corporation may thereafter be refunded by the issuance of refunding bonds; to provide for the disposition of the proceeds of the sale of the bonds of such corporation; to appropriate and pledge, from the State 4 cents Gasoline, Motor Fuel, and Lubricating Oil Excise Taxes allocated to the state and not to the counties, funds necessary to pay the principal of and interest on bonds of such corporation; to authorize such corporation to pledge such funds for payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from such funds, but that said bonds will nevertheless constitute negotiable instruments, subject to registration requirements; to provide that the State Treasurer shall be custodian of the funds of said corporation; to confer on said corporation the power of eminent domain; and to provide for the dissolution of such corporation.

Committee on Ways and Means.

By Reps. Britnell and Lauderdale:

H. 714. To amend Section 9-11-412, Code of Alabama 1975, relating to game which may be hunted on a licensed preserve, so as to reduce the minimum stock of bob-white quail to 100, if bob-white quail are to be hunted on the preserve, and to reduce the minimum stock of each of the other species of birds listed therein to 100.

Committee on Natural Resources.

By Rep. Blakeney (With Notice and Proof):

H. 715. To levy a finance charge of ten cents per acre on forest lands located in Marengo County, Alabama, which is to be used for timber growing purposes and to provide protection against forest fires within Marengo County; and further prescribing the procedure for the collection and payment of such finance charges to the Alabama Forestry Commission.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 715, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Blake (With Notice and Proof):

H. 716. Relating to St. Clair County; creating a license-issuing division within the probate judge's office for the issuance of certain licenses; providing for the selection of personnel for such license-issuing division; providing certain duties for the division; providing for an optional procedure for the renewal of motor vehicle licenses in the county by mail; authorizing certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; to be set by the county commission from time to time to pay the cost of mailing tags or decals; prescribing more convenient and efficient procedures for assessing and collecting of certain taxes; the issuing of licenses by the probate judge's office; transferring certain duties now performed by the tax assessor and tax collector to said probate office; and requiring the posting of a performance bond by the said judge.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 716, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Blake (With Notice and Proof):

H. 717. Relating to St. Clair County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Margaret in St. Clair County, Alabama.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 717, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Junkins:

H. 718. To provide for the continued coverage and payment of insurance by the state of certain state law enforcement officers, who are on disability or sick leave due to a job-related illness or injury or who is retired because of such illness or injury, until reaching sixty-five years of age; to provide that the costs for such continued coverage shall be made from the state funds of the state treasury from which the officer's last salary was paid.

Committee on Ways and Means.

By Rep. Turner (With Notice and Proof):

H. 719. Relating to Mobile County, to provide for the deposit of moneys collected by the Mobile County License Commissioner in Mobile County.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 719, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Cosby, Bryant, and Thomas (With Notice and Proof):

H. 720. Relating to Dallas County; creating the Selma and Dallas County Economic Development Authority and providing for said authority's composition, terms, duties and powers.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 720, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Faulk (With Notice and Proof):

H. 721. Relating to Crenshaw County; to authorize the county commission to increase their expense allowance and provide for the source of said funds.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 721, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Biddle:

H. 722. To amend § 22-21-263(a) (3) of the Code of Alabama of 1975 to impose a three (3) year moratorium on the issuance of a certificate of need for the licensing of any new health care facility beds and provide for an exception when an emergency is found to exist which endangers the health and safety of the public.

Committee on Health.

By Rep. Biddle:

H. 723. To authorize the State Health Planning and Development Agency (SHPDA), under certain specified conditions to decertify for patient care use, certain licensed beds of any health care facility. The State Health Planning and Development Agency shall provide for the right to a hearing for any health care facility whose beds are decertified. The State Health Planning and Development Agency shall recertify the decertified beds under certain specified conditions. The decertified beds of any health care facility shall not, by any means whatsoever, be acquired by another health care facility. The SHPDA is authorized to make any further provisions for carrying out the intent and purposes of this Act.

Committee on Health.

By Reps. Coburn and Clark (J):

H. 724. To include under the duties and functions of the Legislative Fiscal Office the duty of program review and evaluation of the operations of state departments, agencies and institutions.

Committee on Ways and Means.

By Rep. Coburn:

H. 725. To conditionally appropriate from the State Lands Fund the sum of \$13,500,000 to the Department of Conservation and Natural Resources for the fiscal year beginning on October 1, 1985.

Committee on Ways and Means.

By Rep. Pratt:

H. 726. To authorize the department of revenue to pay \$1200.00 annually to certain appraisers, mappers and Alabama certified tax administrators who receive professional recognition as an Alabama Certified Appraiser, Alabama Certified Mapper and Alabama Certified Tax Administrator, such payments to be made from appropriations made to the department of revenue.

Committee on Ways and Means.

By Rep. Smith:

H. 727. To amend §16-25-5, Code of Alabama 1975, to reopen the teachers retirement system for certain members for the purchase of prior service and to provide for the funding thereof.

Committee on Ways and Means.

By Rep. Pratt:

H. 728. To further amend Section 36-21-2, Code of Alabama 1975, as last amended, which provides for a subsistence allowance for certain law enforcement officers, so as to provide investigators employed by District Attorneys with the same subsistence allowance; and to make supplemental appropriations for fiscal years 1985-86 and 1986-87.

Committee on Ways and Means.

By Rep. Johnson (RG) (With Notice and Proof):

H. 729. To authorize the Talladega County Board of Health to designate the services rendered by the Talladega County Health Department for which a reasonable fee may be charged. The Talladega County Board of Health is further required to set a maximum fee for each service. The Talladega County Health Department may charge and collect such fees. No citizen shall be deprived of any service because that person is unable to pay.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 729, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Johnson (RG):

H. 730. Relating to the licensing of certain automotive dismantlers and parts recyclers; to amend Sections 40-12-410, 40-12-411, 40-12-412, 40-12-413, 40-12-414, 40-12-415, 40-12-416, 40-12-418, 40-12-419, 40-12-420, 40-12-421 and 40-12-423, Code of Alabama 1975, so as to provide for the licensing of three categories of business that either repair, dismantle or recycle automobiles and parts thereof; to provide for license fees and any accompanying issuance fees and to provide for definitions of the three categories of automotive dismantlers and parts recyclers.

Committee on State Administration.

By Reps. Rice and Turnham (With Notice and Proof):

H. 731. Relating to Lee County; providing a supplement to the salary of each court reporter, payable from the county treasury.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 731, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Turnham and Rice (With Notice and Proof):

H. 732. Relating to the Board of Registrars of Lee County; providing further for additional compensation for members of such board, payable from the county general fund.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 732, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Carothers:

H. 733. To amend Section 7-9-307, Code of Alabama 1975, so as to provide that a buyer in ordinary course of business of farm products from a person engaged in farming operations takes free of a security interest created by his seller even though the security interest is perfected and even though the buyer knows of its existence.

Committee on Agriculture and Forestry.

By Rep. Harvey (With Notice and Proof):

H. 734. Relating to Blount County; authorizing branch banking.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 734, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harvey (With Notice and Proof):

H. 735. Relating to Blount County; altering the Blount County Commission district line between District Three and District Four, so as to place Oneonta in one beat or precinct.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 735, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Nicholson:

H. 736. Relating to Walker County; proposing an amendment to the Constitution of Alabama of 1901, relating to providing for the operation of bingo games by qualified non-profit organizations for charitable or educational purposes in Walker County.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Reps. Perdue, Rogers, Newton, and Spratt (With Notice and Proof):

H. 737. To authorize, pursuant to Section 28-3A-25(20) and (21), Code of Alabama 1975, Sunday sales, service and consumption of alcoholic beverages after 12:01 p.m. at duly licensed establishments and locations within counties having a population of 600,000 or more according to the last or any succeeding federal decennial census, if approved by a majority of votes cast county-wide in a special election as hereinafter provided for, and,

regardless of whether so approved county-wide, within any municipality, or the portion thereof situated in such county, if such sales or service in such municipality be approved by a majority of the electors residing in such county and voting at such special election in such municipality; and providing that such Sunday sales of alcoholic beverages shall not be permitted within any such municipality, or the portion thereof situated in such county, in which a majority of the electors voting at such special election in such municipality vote against such Sunday sales in such municipality; to call a special election to be held in counties having a population of 600,000 or more, according to the last federal decennial census, not less than 30 days after signature by the Governor, on the question of whether alcoholic beverages may be sold, served or consumed on Sundays after 12:01 p.m. at duly licensed establishments and locations which are situated in such counties, except in municipalities in which a majority voting in such election vote against such sales within such municipality, and on the question of whether such sales, service or consumption shall be permitted at duly licensed establishments and locations which are situated in any one or more of the various municipalities situated in such counties; to authorize the governing body of each such county, by ordinance, to restrict and regulate such Sunday sales within the unincorporated areas of such county if approved county-wide in such election as aforesaid; to authorize the governing body of each municipality in such county to restrict and regulate by ordinance such Sunday sales, service or consumption at duly licensed establishments and locations in any municipality in which a majority of the electors voting in such city vote "for" Sunday sales, service or consumption in such municipality; to authorize such county or municipal ordinances to provide penalties and fines for the violation thereof; supersede all provisions of laws, regulations or ordinances in conflict herewith; making provisions hereof severable; and providing for the effective date of the act.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 737, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. White (F) (With Notice and Proof):

H. 738. To alter and rearrange the boundary lines of the City of Atmore, Escambia County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Escambia County, Alabama.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 738, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Coburn and Drake:

H. 739. To make a supplemental appropriation for the use of the Alabama Industrial Development Training Institute for the fiscal year ending September 30, 1985.

Committee on Ways and Means.

By Reps. Gray, White (G), Bachus, Trammell, and Pratt (With Notice and Proof):

H. 740. To amend Section 36, Subsection (1) of Act No. 84-131, H. 13, Regular Session 1984, relating to horse racing in Class 1 municipalities and the distribution of revenues to the sponsoring municipality, so as to change the percentage of allocation to the net revenues.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 740, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harper:

H. 741. To amend Sections 28-3A-2 and 28-3A-25, Code of Alabama 1975, which provide for the Alcoholic Beverage Licensing Code, so as to provide further for the Sunday sale of alcoholic beverages in resort areas.

Committee on State Administration.

By Reps. Bachus, White (G), Coleman, Dutton, Buskey (James), Preuitt, Rice, Turner, McNair, Beers, Smith, Boles, Gray, Newton, and Perdue:

H. 742. To amend Section 40-10-15, Code of Alabama 1975, as amended, relating to the duties of the probate judges and the sale of land for delinquent ad valorem taxes, so as to further provide therefor, and to require certain duties to be performed by the tax assessors, and to provide for the manner of recording and indexing deeds and required data.

Committee on Judiciary.

By Reps. McMillan and Penry:

H. 743. To provide further for the regulation, control, abatement and prevention of environmental problems in the state, including problems resulting from air and water pollution, solid and hazardous waste management activities, coastal area activities, the supply of drinking water, water well drilling and the operation of water and wastewater treatment plants. Specifically, this Act amends Section 22-22A-5, Code of Alabama 1975, as amended, to authorize the Alabama Department of Environmental Management to issue administrative orders assessing civil penalties for violation of laws which it administers and to require that such penalties be deposited to the credit of the general fund; to authorize the Alabama Department of Environmental Management, Attorney General and District Attorneys to commence civil actions to enjoin violations of laws administered by the Alabama Department of Environmental Management; to clarify the authority of the Alabama Department of Environmental Management to enforce the provisions of laws which it administers and to issue licenses and variances. This Act also amends Section 22-22A-7, Code of Alabama 1975, as amended, to provide for review of final actions of the Alabama Department of Environmental Management in the Montgomery County Circuit Court within 30 days and to provide that administrative action which could have been reviewed by the Environmental Management Commission shall not be subject to judicial review in civil or criminal enforcement proceedings. This Act also amends Section 22-22A-11, Code of Alabama 1975, as amended, relating to the Alabama Department of Environmental Management Fund to allow for

deposit of fines and penalties into the general fund. This Act also amends Sections 9-7-22, 22-22-9, 22-28-22 and 22-23-52, Code of Alabama 1975, as amended, to repeal provisions relating to civil actions for the recovery of penalties and injunctive relief. This Act also amends Section 22-22-9, Code of Alabama 1975, as amended, to clarify that enforcement provisions are applicable to permits and orders issued by the Alabama Department of Environmental Management; to clarify that certain provisions apply to pollutants as well as sewage, industrial wastes or other wastes; and to clarify existing subpoena powers. This Act also amends Section 22-28-22, Code of Alabama 1975, as amended, to clarify existing subpoena powers. This Act also amends Section 22-28-23, Code of Alabama 1975, as amended, to provide that local air pollution programs may adopt provisions for administrative assessment of civil penalties. This Act also amends Section 22-30-19, Code of Alabama 1975, as amended, to repeal provisions relating to administrative assessment of penalties; to permit representatives of the Alabama Department of Environmental Management to enter premises, including transportation facilities, for purposes related to the administration of the Hazardous Wastes Management Act of 1978, including inspection and copying of records required to be maintained; to make criminal a culpable omission in an application, label, manifest, record, report, permit or document and the destruction, alteration, concealment or failure to maintain or file certain documents; and to increase the fines for criminal offenses.

Committee on Natural Resources.

By Reps. Cosby, Bryant, and Thomas:

H. 744. To amend Section 40-9-12 of the Code of Alabama 1975, so as to include the Community Action Agency Head Start Programs of Alabama as programs to which its tax exemption provisions apply.

Committee on Ways and Means.

By Reps. White (G), Bachus, Coleman, Dutton, Buskey (James), Preuit, Rice, Turner, McNair, Beers, Smith, Boles, Gray, Newton, and Perdue:

H. 745. To amend Section 40-10-29, Code of Alabama 1975, relating to the sale of land for ad valorem taxes owed, so as to alter the interest conveyed by certain tax sale deeds, and to provide for the duties imposed upon and the remedies available to the several parties.

Committee on Judiciary.

By Rep. Carter:

H. 746. Providing for a referendum election on the question of the method of selecting a license commissioner for Limestone County, Alabama, and prescribing procedure for electing such commissioners if the qualified electors of the county voting in such election are in favor of electing such commissioner.

Committee on Local Legislation No. 1.

By Reps. Bachus, Marietta, Zoghby, Kennedy, White (G), Tanner, and Box:

H. 747. Prescribing certain procedures to be followed by law enforcement officers making arrests without warrants in domestic relations disturbances.

Committee on Judiciary.

By Rep. Clark (W) (With Notice and Proof):

H. 748. Relating to Mobile County; providing a certain additional expense allowance for the members of the county commission retroactive to the beginning of their current terms of office.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 748, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Clark (D), Starkey, Hall, Lauderdale, Britnell, Newman, Goodwin, and Bugg:

H. 749. To amend Section 32-11-2 of the Code of Alabama 1975, relating to exemption of certain motor vehicles from license and registration fees and ad valorem taxes, so as to provide further for such exemptions.

Committee on Ways and Means.

By Reps. Clark (D), Starkey, Hall, Lauderdale, Britnell, Newman, and Goodwin:

H. 750. Relating to tax exemptions of volunteer rescue personnel organizations or units; to amend Section 40-9-13 of the Code of Alabama 1975, relating to tax exemptions, so as to exempt volunteer rescue personnel organizations and units approved and licensed by the state health department from state, county and municipal privilege or excise taxes and to provide that such organizations and units are subject to the provisions of Section 40-9-13 of the Code of Alabama 1975.

Committee on Ways and Means.

By Rep. Cosby:

H. 751. To amend sections 22-3-1 and 22-3-2, Code of Alabama 1975, which relate to the composition and duties of county boards of health so as to further provide for such composition and duties.

Committee on State Administration.

By Reps. Kvalheim, Gaston, and Zoghby:

H. 752. To provide that inmates who have committed certain specified types of crimes shall not be placed in or permitted to participate in any type of "temporary or conditional release program;" to specify the types of crimes which bar inmates from such placement or participation; to define "temporary or conditional release program;" to specify the inmates to whom the provisions of this act apply; to specify the relation of this act to others dealing with the same subject; to provide that any state or county official or state or county employee who knowingly violates any provision of this act shall be guilty of a Class C felony; to repeal any laws or parts of laws in conflict with this act; to provide for severability; and to specify an effective date.

Committee on Judiciary.

By Reps. Kvalheim, Gaston, and Zoghby:

H. 753. To amend Section 17-1-7 of the Code of Alabama 1975, relating to rights of public employees to participate in political activities, so as to provide further for such rights.

Committee on Constitution and Elections.

By Rep. Black (With Notice and Proof):

H. 754. Relating to Sumter County; providing supplemental fee allowances for constables; and providing for additional court costs.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 754, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Black (With Notice and Proof):

H. 755. To amend Act No. 83-480 of the 1983 Regular Session relating to Sumter County; further levying a fee on all hazardous and non-hazardous waste stored, deposited or dumped at a disposal site presently known as Chemical Waste Management, Inc., near Emelle, Sumter County, Alabama; providing for the collecting of said fee; regulating such disposal and further providing for distributing the proceeds of such fee; and providing further for the North Sumter County Development Authority organization.

Committee on Health.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 755, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Mathis (With Notice and Proof):

H. 756. Relating to the Geneva County Superintendent of Education; establishing an index range for any expense allowance granted to such superintendent; authorizing the Geneva County Board of Education to set such salary; and providing such allowance shall be made from the county treasury.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 756, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Carothers:

H. 757. Relating to the sale of beer; to amend Section 28-3A-23 of the Code of Alabama 1975 so as to increase the maximum size of containers in which beer may be legally sold.

Committee on Health.

By Rep. Carothers:

H. 758. To amend sections 28-3-184 and 28-3-190, Code of Alabama 1975, relating to the levy of excise taxes upon beer and malt or brewed beverages, so as to provide further for the levy of such tax.

Committee on Health.

By Reps. Kvalheim, Gaston and Turner:

H. 759. To amend Sections 40-23-4 and 40-23-62, Code of Alabama 1975, which provide for certain exemptions from sales and use taxes, so as to provide further for said exemptions.

Committee on Ways and Means.

By Reps. Burke, Coleman, Cosby, Butler, Harvey, Junkins, Newman, Lindsey, Rice, White (L), Rains, Brooks, Richardson, Laird, Adams, and Blakeney:

H. 760. To exempt the "Alabama June Jam" event held in Fort Payne, Alabama, sponsored by the musical group "Alabama" under the auspices of Alabama June Jam, Inc., from the payment all state taxes.

Committee on Ways and Means.

H. 710 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 710, from the Standing Committee on Ways and Means to the Standing Committee on Education.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators Hand, Dixon, Strong, Mitchem, Bennett, Bedsole, Bailey, Teague, Foshee, Denton, Little, Holmes, Corbett, Covington, Goodwin, Menton, Amari, Bedford, Bishop, Figures, and Barron:

S. 224. To create and establish a state forest industrial development board; to provide for the membership and meetings of such a board; to prescribe the responsibilities and functions for such board; and to make an appropriation from the state general fund for such board.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 224. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators Mitchem, Little, Drinkard, Bedford, Dixon, Smith (J), Bennett, Bedsole, Bishop, Parsons, Horn, Foshee, Sanders, Menton, Holmes, Denton, and Langford:

S. 212. To provide in addition to benefits now received, a retirement cost of living increase to all persons retired under the Teachers' Retirement System of Alabama and certain persons retired under the Employees' Retirement System of Alabama prior to October 1, 1984, provided that any person whose retirement under the Employees' Retirement System is based on service to a local board of education or a state supported institution of higher education who participated pursuant to §36-27-6, shall be entitled to the increase provided herein to provide that any person whose eligibility to receive Medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; and to provide for the funding of the increases granted and the repeal of conflicting laws.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 212. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Amari:

S. 30. Relating to missing persons and the time and manner in which missing person investigations are to be performed, and providing a penalty for making a false report of a missing person.

Also:

By Senators Drinkard, Dixon, Denton, and Langford:

S. 194. To provide that upon the death of a state employee his beneficiary shall be entitled to a payment of one-half of his accrued sick leave.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate were severally read one time and referred to appropriate Standing Committees as follows:

S. 30. Judiciary.

S. 194. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Foshee:

S. 273. To provide for charges that may be made for bad checks given in payment to lenders of money or extenders of credit and to amend Title 8, Chapter 8, Code of Alabama 1975, therefor; to provide that such charges shall not be deemed interest, finance or other charges that are limited or restricted by law.

Also:

By Senator Corbett:

S. 286. To amend Code of Alabama 1975, § 28-3A-3 (being Section 3, Act No. 80-529, Acts 1980, known as the Alcoholic Beverage Licensing Code) to provide that manufacturer, importer, wholesaler and warehouse licenses may be renewed in a dry county or dry municipality where the county or municipality was wet when the initial license was issued and the county or municipality subsequently votes dry, and to prohibit the sale or distribution of alcoholic beverages within a dry county (except in wet municipalities) or a dry municipality.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 273. Banking.

S. 286. State Administration.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 297. To amend subsection (a)(3) of Section 16-25-14, Code of Alabama 1975, relating to mandatory retirement of teachers to provide that a teacher may be continued in service from year to year past the age of 70 years upon his application and approval by his employer if evidence of physical and mental fitness is furnished.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 3:20 P.M. on March 19, 1985.

H. J. R. 52
H. J. R. 73
H. J. R. 75
H. J. R. 76
H. J. R. 78
H. J. R. 79
H. J. R. 80
H. J. R. 82
H. J. R. 83
H. J. R. 84
H. J. R. 85
H. J. R. 86
H. J. R. 91
H. J. R. 95
H. J. R. 99
H. J. R. 100
H. 345
H. J. R. 104
H. J. R. 105
H. J. R. 109
H. J. R. 111
H. J. R. 112

Delivered to the Governor at 4:45 P. M. on March 19, 1985.

H. 297

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. McNair and pursuant to the resolution, H. R. 134 heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, March 21, 1985.

TWELFTH DAY

House of Representatives
Montgomery, Alabama
Thursday, March 21, 1985

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Richard H. Kellahan, Jr., First Presbyterian Church, Jasper, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, O'nderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eleventh legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark (J), the reading at length of the Journal for the House for the eleventh legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the eleventh legislative day was approved.

MOTION IN WRITING

Rep. Marietta filed the following Motion in Writing:

Having voted on the prevailing side by which House Bill 151 passed, I now move to reconsider said vote.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 252. To protect, preserve, maintain, and enhance the scenic, recreational, and other qualities of the Cahaba River by reinforcing existing surface mining laws and water quality standards in and near the river; to regulate certain alterations and impoundments of the river; to establish a management corridor along the river within which the building or establishment of transportation facilities and other man-made structures and the harvesting of timber may be performed as approved by the Commissioner of Conservation and Natural Resources; and to prescribe remedies and penalties for violation of the act.

JIMMY CLARK,
Chairman.

And the bill, H. 252 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. B. 190. Relating to Mobile County; requiring the county governing body to pay from the county general fund, or any fund designated for roads and bridges, the expense of relocating certain water pipes, gas pipes and lines, owned by rural water or municipal water or gas systems when outside of the municipalities' police jurisdiction, as a result of certain public roads maintenance, construction, bridge repair or replacement; and repealing conflicting laws.

JIMMY CLARK,
Chairman.

And the bill, H. 190 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 157. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Podiatry as provided in Sections 34-24-253, 34-24-255, 34-24-257, 34-24-271, 34-24-272 and 34-24-275, so as to increase various fees, the exact amounts to be set by the board; to provide for an

application fee; and to provide that certain excess funds shall revert to the state general fund at the end of any fiscal year.

JIMMY CLARK,
Chairman.

And the bill, H. 157 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 155. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Chiropractic Examiners as provided in Sections 34-24-140 through 34-24-172 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-24-140, 34-24-161 and 34-24-162, so as to change the composition of the board; authorize the board to employ certain investigators, attorneys or agents; to require the board to publish, at cost, a directory of chiropractors; to require issuances of licenses; to provide for reciprocal licensing standards; to provide for lost or changed-name licenses; and to provide for professional signs.

JIMMY CLARK,
Chairman.

And the bill, H. 155 as engrossed, was ordered sent to the Senate.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Turner, the rules were suspended in order to bring up out of order Budget Isolation Resolution, relating to H. B. 633.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Turner, Budget Isolation Resolution, H. B. 633, was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Hammett, Harvey, Hettinger, Holley, Holmes, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McKee, McMillan, Martin, Mathis, Melton, Moore, Newman, Newton, Nicholson, Parker, Payne, Penry, Poole, Pratt, Preuit, Richardson, Seibels, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—68

And the bill:

H. 633. Relating to Mobile County; establishing the Mobile County Conservation Office as a division of the Mobile County sheriff's office under

his supervision and control; authorizing the sheriff to employ certain employees; to prescribe qualifications and duties of such employees; to provide for the salary range and equipment to be provided by the sheriff; and to provide funding from the general fund of the county treasury. In the event such funding is not available then the county commission is authorized to increase fishing and hunting licenses in an amount not to exceed \$1.00 on each license sold in Mobile County.

Was taken up.

SUBSTITUTE OFFERED

Rep. Turner offered the following substitute to the bill, H. 633:

A BILL
TO BE ENTITLED
AN ACT

Relating to Mobile County; establishing the Mobile County Conservation Office as a division of the Mobile County sheriff's office under his supervision and control; authorizing the sheriff to employ certain employees; to prescribe qualifications and duties of such employees; to provide for the salary range and equipment to be provided by the sheriff; and to provide funding from the general fund of the county treasurer.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall be applicable only in Mobile County.

Section 2. The Mobile County Conservation Office is hereby created as a division of the sheriff's office.

Section 3. The sheriff is authorized to employ two full-time employees, who shall serve at his pleasure, and work under his supervision and control as conservation officers. Such officers may also work along with state conservation officers. Such officers shall receive an annual salary, payable in equal monthly installments, payable from the funds appropriated to the sheriff's office for the Mobile County Conservation Office. Such salary shall be in the same range as a deputy sheriff in Mobile County. The sheriff shall provide the same equipment to such conservation officers as is provided for deputy sheriffs; in addition, they shall be provided certain equipment necessary to carry out their duties as conservation officers. Such equipment shall include, but not be limited to, appropriate motor vehicles, boats and motors which shall be used only for the purposes of executing their duties. The said conservation officers shall have the same law enforcement powers as all other law enforcement officers.

Section 4. The respective conservation officers shall reside within the area to which they are assigned and within Mobile County. Such officers shall have passed a state personnel test for state conservation officer at the entry level before employment. The said employees of sheriff must complete the minimum standards training program for law enforcement officers, within twelve (12) months after hiring.

Section 5. There is hereby appropriated from the general fund of the Mobile County treasury the sum of \$125,000 for the current fiscal year. From year to year thereafter funding will be made available as need dictates.

Section 6. The two full-time employees hired by the sheriff shall be hired by him within 60 days after passage of this act from a list of names supplied to him by conservation clubs, hunting clubs or fishing clubs within Mobile County.

Each club may submit two names each of qualified individuals, that comply with Section 4 of this act.

Section 7. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this act are hereby repealed.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Ford, Gaston, Goodwin, Gray, Grayson, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Richardson, Seibels, Spratt, Starkey, Starr, Turner, Venable, White (F), White (G) and White (L).

—66

And the bill:

H. 633. Relating to Mobile County; establishing the Mobile County Conservation Office as a division of the Mobile County sheriff's office under his supervision and control; authorizing the sheriff to employ certain employees; to prescribe qualifications and duties of such employees; to provide for the salary range and equipment to be provided by the sheriff; and to provide funding from the general fund of the county treasury.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Beers, Biddle, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Martin, Mathis, Mikell, Moore, Newman, Nicholson, Parker, Perdue, Poole,

Pratt, Preuitt, Richardson, Seibels, Smith, Starkey, Starr, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—64

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Turner, the rules were suspended in order to bring up Budget Isolation Resolution, relating to H.B. 496.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Turner, Budget Isolation Resolution, H. B. 496, was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Junkins, Kennedy, Lauderdale, Martin, Mathis, Melton, Mikell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Preuitt, Seibels, Smith, Starkey, Thomas, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—58

And the bill:

H. 496. (With Substitute): Relating to Mobile County to provide for the salary of the Tax Assessor of Mobile County.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 3, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Mobile County to provide for the salary of the Tax Assessor of Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Tax Assessor of Mobile County shall receive a salary to be set at \$42,500 per year payable in installments in accordance with the existing policy of the Treasurer of Mobile County. The Tax Assessor's salary as adjusted under this act shall be separate and apart from any allowance or emoluments of office other than present salary now being received. The Tax Assessor of Mobile County shall receive no other salary increases during the six year term of office beginning October 1, 1985.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Blakeney, Box, Brooks, Buskey (James), Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Ford, Gaston, Gray, Grayson, Hammett, Harper, Harvey, Hettinger, Hooper, Kennedy, Kvalheim, Lauderdale, Lindsey, Mathis, Newman, Nicholson, Parker, Perdue, Seibels, Spratt, Turner, Venable, White (G), White (L) and Zoghby.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

SUBSTITUTE OFFERED

Rep. Turner offered the following substitute to the bill, H. 496 as amended:

A BILL TO BE ENTITLED AN ACT

Relating to Mobile County; to provide for the salary of the Tax Assessor of Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Tax Assessor of Mobile County shall receive a salary to be set at \$42,500 per year payable in installments in accordance with the existing policy of the Treasurer of Mobile County. The Tax Assessor's salary as adjusted under this act shall be separate and apart from any allowance or emoluments of office other than present salary now being received. The Tax Assessor of Mobile County shall receive no other salary increases during the six year term of office beginning October 1, 1985.

Section 2. This act shall become effective immediately upon its passage and approval of the Governor or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Blakeney, Box, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Coburn, Coleman, Crow, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Hammett, Harper, Harvey, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Lindsey, Marietta, Martin, Mathis, Melton, Mikell, Newman, Nicholson, Poole, Preuit, Rice, Seibels, Spratt, Starkey, Tanner, Turner, Venable, Warren, White (F), White (G) and Zoghby.

—53

And the bill:

H. 496. Relating to Mobile County; to provide for the salary of the Tax Assessor of Mobile County.

REGULAR SESSION
12th Day

515

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Bachus, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Gaston, Goodwin, Gray, Grayson, Hammett, Harper, Harvey, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Mathis, Melton, Newman, Nicholson, Parker, Penry, Poole, Preuit, Smith, Spratt, Starkey, Turner, Turnham, Venable, Warren, White (F), White (G) and Zoghby.

—54

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 138. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That immediately upon adoption of this resolution, the following bill, along with Budget Isolation Resolution pertinent thereto and attached hereto, shall be made the special, paramount and continuing order of business beginning on the 12th Legislative Day of the 1985 Regular Session, Thursday, March 21, 1985, taking precedence over any pending or unfinished business or any other business of the House under discussion and continuing on subsequent days until such time as said resolution and bill are disposed of:

<u>Bill No.</u>	<u>Sponsor</u>	<u>Short Title</u>	<u>Page</u>
H. B. 544	Browder	Career Ladder	66

MOTION TO ADOPT RESOLUTION

Rep. Clark (J) offered the motion to adopt the resolution, H. R. 138.

MOTION TO TABLE LOST

The motion offered by Rep. Rice to table the motion to adopt the resolution, H. R. 138, offered by Rep. Clark (J), was lost.

Yeas 29; Nays 63.

Yeas:

Reps. Bachus, Beasley, Box, Brooks, Buskey (James), Butler, Carothers, Coleman, Cosby, Flowers, Gaston, Gray, Grayson, Hammett, Hettinger, Hooper, Kvalheim, McKee, McMillan, McNair, Mikell, Payne, Rice, Sasser, Seibels, Starr, Turnham, Venable and White (G).

—29

Nays:

Mr. Speaker, Adams, Albright, Blake, Blakeney, Boles, Bowling, Brakefield, Browder, Bryant, Bugg, Burke, Buskey (John), Campbell, Carter, Clark (D), Clark (J), Coburn, Crow, Davis, Escott, Faulk, Ford, Fuller, Goodwin, Grouby,

Hall, Harvey, Holley, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Warren, White (F), White (L) and Zoghby.

—63

SUBSTITUTE OFFERED

Rep. Hooper offered the following substitute to the resolution, H. R. 138:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That the following be made the special and paramount order of business for Thursday, March 21, 1985:

1. Roll call of standing committees;
2. Roll call of districts for introduction of bills and resolutions;
3. Uncontested local bills;
4. Acceptance of motions to suspend the rules and take up bills out of order.

SUBSTITUTE TABLED

On motion of Rep. Clark (J), the substitute offered by Rep. Hooper to the resolution, H. R. 138, was tabled.

Yeas 60; Nays 28.

Yeas:

Mr. Speaker, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (John), Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coburn, Crow, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Goodwin, Grouby, Hall, Harvey, Holley, Holmes, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, Martin, Mathis, Melton, Moore, Newman, Newton, Nicholson, Parker, Perdue, Preuitt, Reed, Richardson, Smith, Spratt, Tanner, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—60

Nays:

Reps. Bachus, Beasley, Black, Box, Brooks, Buskey (James), Coleman, Cosby, Gaston, Gray, Harper, Kvalheim, McKee, McMillan, McNair, Mikell, Mitchell, Onderdonk, Payne, Penry, Poole, Rains, Rice, Sasser, Seibels, Starr, Turnham and White (G).

—28

SUBSTITUTE OFFERED

Rep. Cosby offered the following substitute to the resolution, H. R. 138:

BE IT RESOLVED, That the House shall play baseball in membership order as recognized by the presiding officer of the House. There shall be no discussion or consideration of House Bill 544 or substitutes or amendments thereto.

SUBSTITUTE TABLED

On motion of Rep. Clark (J), the substitute offered by Rep. Cosby to the resolution, H. R. 138, was tabled.

Yeas 60; Nays 22.

Yeas:

Mr. Speaker, Adams, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Browder, Bugg, Burke, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Crow, Davis, Escott, Faulk, Fuller, Goodwin, Grouby, Hall, Harvey, Holley, Holmes, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, McNair, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Preuitt, Reed, Richardson, Rogers, Sasser, Smith, Starkey, Thomas, Trammell, Venable, Warren, White (F) and White (L).

—60

Nays:

Reps. Bachus, Beasley, Box, Brooks, Buskey (James), Cosby, Flowers, Hammett, Hettinger, Hooper, McKee, McMillan, Mikell, Payne, Poole, Pratt, Rains, Rice, Seibels, Starr, Turnham and White (G).

—22

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 115. CONGRATULATING MR. AND MRS. EDDIE MAHONE ON THEIR 50th WEDDING ANNIVERSARY CELEBRATION.

McDOWELL LEE,
Secretary.

H. R. 138 RESUMED

SUBSTITUTE OFFERED

Rep. Venable offered the following substitute to the resolution, H. R. 138:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That immediately upon adoption of this resolution, no business, except routine business, introduction of bills and resolutions, second readings and adjournment, shall be conducted until the budget bills, H. 331, H. 332 and H. 333 are acted upon.

SUBSTITUTE TABLED

On motion of Rep. Clark (J), the substitute offered by Rep. Venable to the resolution, H. R. 138, was tabled.

Yeas 49; Nays 35.

Yeas:

Mr. Speaker, Adams, Albright, Blakeney, Boles, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (John), Campbell, Carothers, Carter, Clark (D),

Clark (J), Coburn, Crow, Ford, Fuller, Goodwin, Harvey, Holley, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, Marietta, Martin, Mathis, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Pratt, Preuitt, Reed, Richardson, Rogers, Starkey, Trammell, Turner, Warren and White (F).

—49

Nays:

Reps. Bachus, Beasley, Box, Brooks, Buskey (James), Coleman, Cosby, Flowers, Gaston, Gray, Grayson, Hall, Hammett, Harper, Hettinger, Hooper, Kvalheim, McKee, McMillan, Mikell, Mitchell, Newton, Payne, Penry, Poole, Rains, Rice, Sasser, Seibels, Spratt, Starr, Tanner, Turnham, Venable and White (G).

—35

RESOLUTION ADOPTED

On motion of Rep. Clark (J), the resolution, H. R. 138, was adopted.

Yeas 65; Nays 21.

Yeas:

Mr. Speaker, Adams, Albright, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Crow, Davis, Dutton, Ford, Fuller, Goodwin, Grouby, Hall, Harvey, Hettinger, Holley, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, Martin, Mathis, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Pratt, Preuitt, Reed, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Trammell, Turner, Warren, White (F), White (L) and Zoghby.

—65

Nays:

Reps. Bachus, Beasley, Box, Brooks, Buskey (James), Coleman, Cosby, Grayson, Hammett, Hooper, McKee, McMillan, Mikell, Payne, Rains, Rice, Sasser, Seibels, Starr, Venable and White (G).

—21

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 115. CONGRATULATING MR. AND MRS. EDDIE MAHONE ON THEIR 50th WEDDING ANNIVERSARY CELEBRATION.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length

having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. B. 633. Relating to Mobile County; establishing the Mobile County Conservation Office as a division of the Mobile County sheriff's office under his supervision and control; authorizing the sheriff to employ certain employees; to prescribe qualifications and duties of such employees; to provide for the salary range and equipment to be provided by the sheriff; and to provide funding from the general fund of the county treasury.

JIMMY CLARK,
Chairman.

And the bill, H. 633 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. B. 496. Relating to Mobile County; to provide for the salary of the Tax Assessor of Mobile County.

JIMMY CLARK,
Chairman.

And the bill, H. 496 as engrossed, was ordered sent to the Senate.

BUDGET ISOLATION RESOLUTION

Rep. Browder offered the motion to adopt the Budget Isolation Resolution relating to House Bill 544.

MOTION TO POSTPONE TABLED

On motion of Rep. Browder, the motion offered by Rep. Rice to postpone consideration of the Budget Isolation Resolution, relating to the bill, H. B. 544, to the thirteenth legislative day, was tabled.

Yeas 60; Nays 35.

Yeas:

Mr. Speaker, Adams, Albright, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Coburn, Crow, Davis, Dutton, Escott, Ford, Fuller, Goodwin, Hall, Holley, Holmes, Johnson (RG), Johnson (Roy),

Junkins, Kennedy, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Reed, Richardson, Rogers, Smith, Starkey, Tanner, Thomas, Trammell, Turner, Warren, White (F) and White (L).

—60

Nays:

Reps. Bachus, Beasley, Black, Box, Brooks, Buskey (James), Carothers, Coleman, Cosby, Flowers, Gray, Grayson, Grouby, Hammett, Hettinger, Hooper, Kvalheim, McKee, McMillan, McNair, Mikell, Mitchell, Newton, Payne, Poole, Pratt, Rains, Rice, Sasser, Seibels, Spratt, Starr, Turnham, Venable and White (G).

—35

BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the motion offered by Rep. Browder to adopt the Budget Isolation Resolution, relating to the bill, H. 544, and the resolution was adopted.

Yeas 69; Nays 31.

Yeas:

Mr. Speaker, Adams, Albright, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Coburn, Crow, Davis, Dutton, Escott, Ford, Fuller, Gaston, Goodwin, Hall, Harvey, Holley, Holmes, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, Marietta, Martin, Mathis, Melton, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Reed, Richardson, Rogers, Smith, Spratt, Starkey, Thomas, Trammell, Turner, Warren, White (F), White (L) and Zoghby.

—69

Nays:

Reps. Bachus, Beasley, Black, Box, Brooks, Buskey (James), Carothers, Coleman, Cosby, Flowers, Gray, Grayson, Grouby, Hammett, Hettinger, Hooper, McKee, McMillan, McNair, Mikell, Mitchell, Payne, Pratt, Rains, Rice, Sasser, Seibels, Starr, Turnham, Venable and White (G).

—31

And the bill:

H. 544. (With Amendment) (With Substitute): This Act provides for the development and establishment of an incentive-based pay plan for the teachers of the public schools of Alabama; provides career incentives for public school teachers; initiates a program of performance appraisal; and establishes salary progressions for education personnel.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Providing for the development and establishment of an incentive-based pay plan for the teachers of the public schools of Alabama; provides career incentives for public school teachers; initiating a program of performance appraisal; establishing salary progressions for education personnel; and providing for the implementation of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title. This act shall be known as the Alabama Performance-Based Career Incentive Program Act.

Section 2. Statement of Purpose. The purpose of the Alabama Performance-Based Career Incentive Program is to provide career incentive for public school teachers while initiating a program of performance appraisal to insure that the State of Alabama's commitment to excellence in education is carried out.

Section 3. Definitions. Wherever used within this act, the following words shall have the meanings as stated in this Section unless the context of the act clearly indicates otherwise.

a. Appraisal. A formal judgement by a trained evaluator of an individual's performance and the level of quality of that performance. Appraisal of classroom teaching performance shall be accomplished by direct observation of the performance to be appraised.

b. Appraisal Instrument. The formal, written device containing categories of behavior and levels of performance utilized by the evaluator when evaluating education personnel.

c. Approved Professional Development Program. A professional development program approved by the employing local school board and the State Superintendent of Education.

d. Commission. The Governor's Education Reform Commission as established in Section 16-6A-5, Code of Alabama, 1975.

e. Days. Days shall mean working days to the exclusion of weekends and holidays.

f. Evaluator. A professional education employee who has been trained in methods of observation, appraisal, and interaction for the purpose of providing formal appraisal of performance of educational employees in local school systems.

g. Evaluation. For the purpose of this Act, evaluation shall consist of two component features: (a) Formative evaluation will be such informal steps as may be taken, based upon observations by administrators and supervisors, to assess teaching performance with the purpose being limited to making recommendations and suggestions designed to improve teacher effectiveness; (b) summation evaluation shall be those judgements made based upon direct

observation and appraisal which shall be used to determine whether or not a teacher shall receive promotions, demotions, probation or termination.

h. Local School Board. County and city boards of education, and the governing board of the Alabama Institute for Deaf and Blind and the Youth Services School District.

i. Performance. The carrying out of established tasks and activities as prescribed to the various classifications of educational employees.

j. Professional Certificate. The certificate issued to professional staff who possess or previously achieved tenure in a local school system within the State of Alabama or out-of-state teachers who have achieved tenure in any State where they may have worked or who have a minimum of five years of teaching experience.

k. Provisional Certificate. A three-year certificate issued to persons who have completed all requirements for initial certification as established by the State Board of Education.

l. Teaching Duties. Teaching duties shall encompass all professional activities which require professional certification by the State Board of Education at the local school level with the exception of the principal and assistant principal.

m. Written Notice. Requires written notice by U.S. Postal Service registered mail.

n. Approved evaluator. An approved evaluator is a staff member who has undergone State Department of Education training relative to conducting the evaluation process of the incentive pay program and has been properly approved by the State Superintendent of Education.

Section 4. Governor's Educational Reform Commission. Nothing contained herein shall be construed as increasing, decreasing or otherwise modifying the Governor's Educational Reform Commission as established in Section 16-6A-5, Code of Alabama, 1975, as amended.

Commencing with the 1985-86 school year, Phase I of the Alabama Performance-Based Career Incentive Program Act will be implemented and which includes Sections 5, 6, 7 and 8 of this act.

Section 5. Appointment Of Working Committee.

a. There is hereby created a Working Committee of the commission which shall be appointed in accordance with this act and which shall have completed its operational activities by July 1, 1987. The Working Committee shall devise an appraisal program consistent with the provisions of this act. The committee will consist of 35 members.

Five members of the committee shall be appointed by the Governor, three of whom must be classroom teachers and two of whom must be elementary/secondary school administrators. The Governor shall appoint the chair and vice chair of the working committee from the membership of the committee.

Fifteen of the members shall be public school teachers and appointed by the Executive Secretary of the Alabama Education Association; fifteen of the members shall be appointed by the State Superintendent of Education from any of the following groups: local school superintendents, principals,

supervisors, lay public, business and industry and parents and teachers associations. Any vacancies that occur after the original appointment shall be filled by appointment from the constituency in which the vacancy occurred.

b. The members of the committee shall be appointed by June 1, 1985. No later than the fifth working day after the appointment of all committee members as specified in Section 5(a), the Governor shall call the first meeting of the Working Committee; the committee shall begin deliberations. Later meetings shall be called by the chair, or by the vice chair in the chair's absence, or at the written request of 12 of the members. A minimum of 7 days notice shall be given all committee members prior to any meeting. The committee expenses shall be paid from funds available for this purpose and at prevailing rates allowed by state rules and regulations. Consultant expenses shall be paid from funds available for this purpose according to a schedule to be established by the State Board of Education.

c. Responsibility for fiscal operation of the committee and any accompanying activities shall rest with the Executive Director of the Governor's Educational Reform Commission, who shall submit claims for all authorized expenses to the State Superintendent of Education for payment.

d. Organizations or persons responsible for appointment of members of the Working Committee shall give consideration to insuring equitable representation on the Working Committee by minority groups.

Section 6. Appointment And Functions Of Appraisal Review Committee. There is hereby created an Appraisal Review Committee which shall react to and provide input on all activities of the Working Committee. The Appraisal Review Committee shall consist of the following membership:

a. The State Superintendent of Education and the Executive Secretary of the organization representing the majority of teachers, who shall serve as co-chairs of the Appraisal Review Committee.

b. One elementary and one secondary professional teacher, to be chosen from each local school district by a majority vote of the professional educators employed in each local school system.

c. Each superintendent of each local school board or the superintendent's designee.

d. Twenty persons, 10 each to be appointed from the membership of the Alabama Association of School Boards and the Board of Directors of the Alabama Congress of Parent Teachers and to be chosen respectively by said Boards.

Section 7. Responsibilities for Implementation of Performance-Based Career Incentive Program.

a. Working Committee Responsibilities. Functioning in conjunction with the Appraisal Review Committee, the Working Committee shall develop fully the appraisal program to include but not be limited to development of job descriptions as further described herein, development of the appraisal instrument, and any other matter required to fully develop the appraisal program. Job descriptions for all positions to be evaluated shall be completed no later than October 1, 1985. The appraisal instrument for each position shall be prepared in sufficient time to be ready for use for inservice training of prospective evaluators. The committee shall insure that prior to final approval the appraisal instrument is made available on a statewide basis for

review by interested parties. The committee shall establish a mechanism for discussion by and receipt of input from interested parties prior to October 1, 1985.

b. The working committee in subsection a. above shall continue in existence until June 30, 1987. The appraisal program and all instruments developed by the working committee shall be submitted to the Legislative Council for its consideration and approval. Failure of the Council to so approve will remand the documents back to the working committee which shall note the objections of the Council and shall take such steps as deemed necessary to meet the objections of the Legislative Council. Having done so, the working committee shall resubmit for approval to the Legislative Council. Upon the Council's approval, such documents and instruments as have been approved will be provided to the state and local boards of education for use in implementation of the appraisal program for the 1986-87 academic school year. Upon the completion of the appraisal program the working committee may make such adjustments or changes in the instruments and documents as it deems appropriate subject to the same review and approval by the Legislative Council. As of July 1, 1987, upon the cessation of the working committee's existence further changes or modifications of the appraisal program shall be vested with the State Board of Education subject to the provisions of the Administrative Procedures Act.

c. State Superintendent Responsibilities. Upon completion of the Working Committee's responsibilities, the State Superintendent of Education shall take appropriate steps designed to orient all affected education employees to the Performance-Based Career Incentive Program. This orientation shall be structured so as to be completed no later than the end of the 1985-86 school year. The State Superintendent of Education shall take appropriate action during the 1985-86 school year as is necessary to fully train all evaluators who shall conduct or be responsible for the use of the appraisal instrument and organizing the appraisal program at the local level. Upon successful completion of training program for evaluators, the state superintendent shall issue a certificate and shall cause college curriculum for training administrators and supervisors to be modified to include appropriate content in evaluation for all new graduate degrees. The State Superintendent of Education shall insure that no later than the end of 1986-87 school year parent and community groups are oriented to the appraisal program. The State Superintendent of Education shall make available to the Working Committee technical assistance from the State Department of Education.

d. Local School Board Responsibilities. At the commencement of the 1985-86 and 1986-87 school years, local school boards shall classify all current teachers as Probationary or Professional I teachers according to the criteria contained in this Act. By October 1, 1986, local school boards shall initiate an organized and systematic program to implement this act. During the 1987-88 school year and thereafter local school boards shall implement the classification system for new teachers and continue all other activities necessary to carry out the provisions of this Act. In establishing the appraisal program the local school board in addition to assigning each school principal primary responsibility for evaluation shall also insure the following:

1. Each school system shall have an appropriate number of approved evaluators designated and trained.
2. Each school system shall have an additional approved evaluator assigned who is not a member of that school staff.

3. Each professional educator appraised is provided a time for a feedback conference regarding the appraisal and is provided access to all appraisal documents.

4. Each professional educator shall receive the appraisal results within 15 days following the appraisal.

5. Each professional educator may request and receive an additional evaluation for each semester. Such re-evaluation shall be conducted by a person other than the original evaluator.

Section 8. Classification System For Current Teachers. Current teachers are those teachers who have been employed prior to or during the 1986-87 school year. Current teachers shall be classified as follows:

a. Probationary Teachers. To achieve probationary status a current teacher must meet the following criteria:

1. Meet all State Board of Education requirements for the issuance of a regular teaching certificate;

2. Hold a regular teaching certificate; and

3. Have not achieved tenure in any public school system.

b. Professional I Teachers. To achieve Professional I status a current teacher must meet the following criteria:

1. Meet all state board of education requirements for the issuance of a regular teaching certificate.

2. Hold a regular teaching certificate.

3. Have achieved tenure in a school system in any public school system prior to or at the beginning of the 1986-87 school year.

Section 9. Expansion Of Classification Level For Current Teachers. Commencing with the 1987-88 school year, Phase II will be implemented for current teachers which include classification levels of Professional II and Master. Effective with the 1987-88 school year, teachers may be classified as Professional II; and with the 1989-90 school year, as Master teacher as follows:

a. Professional II. To achieve status as a Professional II teacher, a current teacher must meet the following criteria:

1. Have no less than eight (8) years of total service in any public school system;

2. Have no less than two (2) years of service as a Professional I teacher;

3. Have received an overall rating of excellent during the preceding year of service as a Professional I teacher; and

4. Apply for a change in classification level no later than the last day schools are in session for the school year preceding the year for which a change in classification level is sought.

b. Master. To achieve status as a Master teacher, a current teacher must meet the following criteria:

1. Have no less than thirteen (13) years of total service in any public school system;

2. Have no less than two years of service as a Professional II teacher;
3. Have received an overall rating of excellent in each of the three years of service immediately preceding the year for which change to Master teacher level is sought;
4. Hold a Master's degree or its equivalent in the teaching field as established by the State Board of Education.
5. Having demonstrated ability to:
 - i. assist beginning teachers in the development of professional skills and knowledge;
 - ii. work constructively with other professionals in such activities as curriculum development, textbook selection, evaluation of goals, administrative committees, and in-service programs; and
 - iii. work constructively with parents to improve the educational program for students; and
6. Apply for a change in classification level no later than the last day schools are in session for the school year preceding the year for which a change in classification is sought.

Section 10. Maintenance of Classification Level For Current Teachers. To maintain status in a classification during the 1986-87 school year and thereafter, current teachers must meet the following requirements for the classification level held.

a. Probationary Teachers. To maintain current status a probationary teacher must meet the following criteria:

1. Undergo a minimum of three (3) evaluations annually;
2. Maintain an overall rating of satisfactory performance; and
3. Satisfactorily complete each school year an approved professional development program.

b. Professional I Teachers. To maintain current status a Professional I teacher must meet the following criteria:

1. Undergo a minimum of two (2) evaluations annually;
2. Receive for any two (2) evaluations an overall rating of satisfactory performance; and
3. Successfully complete each school year an approved professional development program.

c. Professional II Teachers. To maintain status a Professional II teacher must meet the following criteria:

1. Undergo a minimum of two (2) evaluations annually;
2. Receive for the two (2) evaluations an overall rating of excellent; and
3. Satisfactorily complete each school year an approved professional development program.

d. Master Teachers. To maintain current status a Master teacher must meet the following criteria:

1. Undergo a minimum of two (2) evaluations annually;

2. Receive for any two (2) evaluations an overall rating of excellent performance; and

3. Satisfactorily complete each school year an approved professional development program.

Section 11. Time Limitations on Levels For Current Teachers.

a. Professional I Level and Above. Current teachers who achieve Professional I, Professional II or Master status may remain at these classification levels so long as the current teacher meets the requirements for maintaining the classification level held.

b. Probationary Teachers. Failure on the part of a current teacher initially classified at the probationary level to achieve Professional I status is grounds for dismissal.

Section 12. Performance-Based Career Incentive Program For New Teachers. Commencing with the 1987-88 school year there is hereby established a performance-based career incentive program for new teachers. A new teacher is any person who is not a current teacher. New teachers shall be classified commencing with the 1987-88 school year and thereafter as follows:

a. Intern Teachers. Intern teachers are new teachers who have successfully completed all requirements for the issuance of a provisional certificate.

b. Probationary Teachers. To achieve probationary status a new teacher must meet the following criteria:

1. Successfully complete one (1) year of service as an Intern teacher; and

2. Receive an overall rating of satisfactory performance on evaluations during the preceding year.

c. Professional I Teacher. To achieve status as a Professional I teacher, a new teacher must meet the following criteria:

1. Successfully complete two (2) consecutive years of service as a probationary teacher.

2. Achieve tenure in accord with the tenure laws of the State of Alabama; and

3. Receive an overall rating of satisfactory performance during each of the two (2) years of service as a Probationary teacher;

d. Professional II Teacher. To achieve status as a Professional II teacher, a new teacher must meet the following criteria:

1. Successfully complete five (5) years of service as a Professional I teacher;

2. Receive an overall rating of excellent in each of the three years of service immediately preceding the year for which change to Professional II teacher level is sought; and

3. Apply for a change in classification level no later than the last day schools are in session for the school year preceding the year for which a change in classification is sought.

e. Master Teacher. To achieve status as a Master teacher, a new teacher must meet the following criteria:

1. Successfully complete five (5) years of service as a Professional II teacher;
2. Receive an overall rating of excellent in each of the three years of service;
3. Hold a master's degree or its equivalent in the teaching field as established by the State Department of Education;
4. Have demonstrated ability to:
 - i. assist beginning teachers in the development of professional skills and knowledge;
 - ii. work constructively with other professionals in such activities as curriculum development, textbook selection, evaluation of goals, administrative committees, and inservice programs; and
 - iii. work constructively with parents to improve the educational program for students; and
5. Apply for a change in classification level no later than the last day schools are in session for the school year preceding the year for which a change in classification is sought.

Section 13. Maintenance of Classification Level For New Teachers. To maintain status in a classification, new teachers must meet the following requirements for the classification level held.

a. Intern Teacher. To maintain current status an Intern teacher must meet the following criteria:

1. Undergo a minimum of three (3) evaluations during the intern year;
2. Maintain an overall rating of satisfactory performance; and
3. Satisfactorily completion approved professional development program.

b. Higher Classification Levels. New teachers who achieve status as a Probationary teacher, Professional I teacher, Professional II teacher or Master teacher must meet the same maintenance of classification level requirements as are established in this act for current teachers at each classification level.

Section 14. Time Limitations On Levels For New Teachers. The following time limitations for new teachers are imposed for the following levels.

a. Professional I Level And Above. New teachers who achieve Professional I, Professional II or Master status may remain at these classification levels so long as the current teacher meets the requirements for maintaining the classification level held.

b. Probationary Teachers. Failure on the part of a new teacher to achieve Professional I status is grounds for dismissal.

c. Intern Teachers. Failure on the part of an Intern teacher to achieve probationary status is grounds for dismissal.

Section 15. Working Committee Responsibilities. It shall be the responsibility of the Working Committee established by this act to develop

job descriptions in accordance with this act for all levels of classification for current and new teachers. The Working Committee thereafter shall develop a job-related appraisal system in accordance with this act.

a. Descriptions of Classifications.

1. Intern Teachers. Job descriptions for intern teachers shall be specific for the teaching position and shall provide for special inservice and professional development programs designed to assist the beginning teacher. The local board of education may assign other duties as determined necessary.

2. Probationary, Professional I and Professional II Teachers. Job descriptions for current and new teachers employed as Probationary, Professional I or Professional II teachers shall be specific for the teaching position and shall provide that teachers who have achieved these classification levels shall have full-time teaching duties. In addition to a requirement for full-time teaching duties, the job description shall provide that other duties as assigned by the employer and professional development activities shall be part of the job.

3. Master Teachers. Current or new teachers who meet all requirements for achieving the level of Master teacher shall have at the time of requesting advancement to the status of Master teacher the option of requesting one of two optional job descriptions for Master teacher. Based on the needs of the local school system, the employing local school board, upon the recommendation of the local superintendent of education, shall designate which optional job description shall be utilized.

i. Master Teacher Option A. Job descriptions for Master teacher Option A shall be specific for the teaching position and shall provide for full-time teaching duties, other duties as assigned by the employer, and professional development activities.

ii. Master Teacher Option B. Job descriptions for Master teacher Option B shall be specific for the teaching position and shall provide for a minimum of four-fifth's (4/5) of the teacher's time to be spent on teaching duties. the remaining one-fifth (1/5) of the teacher's time shall be spent on other duties as assigned by the employer. Option B shall include a contract of ten (10) months. These other duties may include but are not limited to the following:

a. Assist teachers in the development of professional skills and knowledges.

b. Develop Curriculum.

c. Improving and/or develop instructional programs and materials.

d. Participate in textbook selection.

e. Develop and participate in professional development activities or other related education activities.

b. Required Competencies of Professional II Teachers. Notwithstanding the foregoing provisions of this section, commencing no later than the beginning of a teacher's third year of successful service as a Professional II teacher, the local school board shall insure that the teacher has the opportunity to demonstrate the following competencies.

1. Assist beginning teachers in the development of professional skills and knowledge.

2. Work constructively with other professionals in such activities as curriculum development, textbook selection, evaluation of goals, administrative committees, and inservice programs.

3. Work constructively with parents to improve the educational program for students.

Section 16. Development of the Appraisal Instrument.

a. In developing the appraisal instrument the Working Committee shall take into consideration that appraisal of performance must be based upon a clear understanding by all involved parties of what duties and responsibilities are required. The Working Committee shall insure that a method of documentation of performance at established intervals is developed for use by the evaluator and the staff member. The evaluation process must be comprehensive in appraising those behaviors appropriate to the job requirements. Appraisals should be utilized to identify strengths and weaknesses for purposes of personal inservice development and as a basis for constructing programs for continuing staff improvement.

b. In developing the appraisal instrument the Working Committee shall establish criteria for determining the teacher's performance which criteria shall include but not be limited to comprehensive appraisal of the following categories:

1. Planning and instructional methods.
2. Classroom management practices.
3. Competence in subject matter.
4. Instructional program evaluation and student progress.
5. Human relations skills.
6. Professional growth and development.
7. Knowledge of learning and learners.
8. Student achievement.
9. Communication Skills.

c. The Working Committee shall insure that each category contains definitive and descriptive statements of specific behaviors expected and the degree to which each behavior must be performed in order to achieve a specific rating level. Performance expectations should reflect a realistic understanding of the particular teaching-learning environment and establish reasonable standards of behavior indicative of each level of quality. Statements in the appraisal instruments should be so constructed as to describe clearly the behavior observed and the level of quality represented.

d. The Working Committee shall establish a process through which student learning, the outcome of teaching, is examined, based on research, to determine a means of measuring the teacher's effectiveness through student achievement scores.

e. The Working Committee shall insure that the forms devised for performance appraisal are practical and easy to use by the evaluator, and are easily understood by the evaluated.

Section 17. The Evaluator.

a. The superintendent of each local school system is responsible for the evaluation of professional staff members employed in the school system. The Superintendent shall delegate to the principals the primary responsibility in carrying out the responsibilities for performance appraisal. Supervisors and assistant principals should be appropriately involved in the evaluation process. The superintendent and local board of education shall insure that sufficient personnel are available for the purpose of carrying out the appraisal program.

b. The principal shall insure that the role relationships in the appraisal process are clearly defined so that both the evaluator and those evaluated clearly understand the behaviors expected of each involved party.

Section 18. The Evaluated.

a. The appraisals should be carried out on a planned and scheduled program designed to insure that during the year the evaluated teacher receives the number of evaluations required to maintain the status which the teacher has achieved. At least one (1) appraisal shall be conducted each semester.

b. Teachers may request and receive additional evaluations above the minimum number.

c. Teachers whose performance has been appraised to be below the requirements to maintain the Professional II and Master Level shall be given the succeeding year as a probationary period within which to improve. Should requirements not be achieved by the end of the probationary period, the teacher will be placed in the next lower incentive level.

d. Teachers whose performance has been appraised to be unsatisfactory at the Professional I Level will be given the succeeding year as a probationary period within which to improve. Failure during the probationary period to achieve the requirements for maintaining Professional I status shall be grounds for dismissal.

Section 19. Minimum Standards. Notwithstanding any provision of this act, the job descriptions and appraisal instruments to be developed by the Working Committee are intended to establish minimum standards of job performance.

Such minimum standards of job performance shall meet or exceed maximum standards presently existing in any local school system in the state of Alabama. Nothing contained in this Act shall prohibit local boards of education from setting higher standards for performance for employees provided such local standards are evaluated separately from the provisions of this Act and provided further that employees evaluated are compensated from local funds after having met additional local standards. No state funds may be withheld from an employee for failure of the employee to meet additional local standards.

Section 20. Appeals Procedure. The following procedures are instituted to assure that teachers have available to them a reasonable appeals procedure for performance evaluations which aggrieve the teacher.

a. Local Appeal Process. If a teacher, following a conference with the first evaluator, is dissatisfied with the local evaluation and wishes to receive a second evaluation, the teacher must request a second evaluation by providing written notice to the local superintendent within 15 days after receiving the original evaluation results. Upon receipt of written notice, the local superintendent shall order a second evaluation to be conducted by a different

evaluator. The local superintendent will review both evaluations and may take such steps as the local superintendent believes appropriate to assure that a fair and reasonable performance evaluation has been provided the teacher. If the teacher is dissatisfied with the local superintendent's disposition of the appeal, the teacher's appeal shall automatically be referred to the local school board for review and final local action. Upon receipt of the appeal, the local school board shall review procedures followed by the evaluators and the teacher's response to the evaluation. The local school board, after careful review, may either sustain the evaluation or reverse it based upon its determination that proper procedure was not followed. All local appeals must be concluded within 30 days following the filing of the teacher's notice of appeal, and the teacher must be provided written notice of the results of this deliberation within 15 days. Any teacher may appeal any evaluation through the local appeals process to the local school board.

b. Promotion Appeal. Any teacher who has attained professional I status or higher and has received two consecutive years of "excellent" and who during the third year immediately prior to the decision point concerning promotion to the next higher rank receives an evaluation of less than "excellent" shall be eligible to appeal.

c. Reduction In Rank Appeal. Any teacher who has attained Professional II or Master status and who has received two consecutive evaluations of less than "excellent" which may result in the teacher's being placed on probation or given a demotion in rank and pay shall be eligible to appeal.

d. Probationary Status Appeal. Any teacher who has attained Professional I status, or higher, and who has received two consecutive evaluations and is being considered for placement on probation shall be eligible to appeal.

e. Educator Performance Review/Re-evaluation Panel. There is hereby created the Educator Performance Review/Re-evaluation Panel (EPREP) which shall be comprised of the following:

1. Five persons named by the State Superintendent of Education, subject to the approval of the Executive Secretary of the Alabama Education Association (AEA).
2. Five persons named by the Executive Secretary of AEA, subject to the approval of the State Superintendent of Education.
3. Any vacancy shall be filled in the same manner as prescribed herein.
4. The member list shall be kept current and maintained in the office of the State Superintendent of Education.

The members shall serve as re-appraisers in state appeals cases under the performance program. In the case of an appeal under the state level of the appeals process, the State Superintendent of Education and the Executive Secretary of AEA shall, on a rotating basis, randomly select three potential re-appraisers from the ten-member panel. The three names shall be submitted to the local school board and local teacher, each having the opportunity to strike one name from the list, with the teacher making the first strike. The remaining person shall serve as the re-appraiser for the appeal. The re-appraiser may utilize all records relative to the case in reaching a determination.

f. Training Of EPREP Members. Members of the EPREP will receive continual, intensive training designed by the State Superintendent of Education, Executive Secretary of AEA, and the Executive Director of the

Alabama School Board Association. Members will be familiarized with the overall evaluation process being performed in schools and the criteria being followed by local evaluators. The State Superintendent of Education shall provide staff upon request to assist in the training. Members will be paid according to a schedule to be developed by the State Board of Education.

g. State Appeal Process. Having exhausted the local appeals process, any teacher, who as the result of his/her last evaluation is denied a promotion, placed on probation or demoted, may enter the state appeals process. The overall year's evaluation will be considered in this determination. If the teacher is dissatisfied with the local school board's disposition of the appeal, the teacher may provide written notice to the State Superintendent of Education, requesting a review of the local evaluation by the Educator Performance Review/Re-evaluation Panel within 15 days following receipt of the decision of the local board and must also provide written notice of the appeal to the local school superintendent with the same time limit. Upon such written notice to the State Superintendent of Education a reappraiser will be selected as provided in section above. Within ten (10) days of the selection of the reappraiser, the State Superintendent of Education shall notify all parties and set a date for the reappraiser's visit. The reappraiser shall within five (5) days of the visit file a report, a copy of which shall be sent to the teacher, the State Superintendent of Education, the local superintendent, the local board of education, and the Executive Secretary of the AEA. The decision of the reappraiser shall be final and binding on all parties.

h. Withdrawal Of Appeal. Nothing in this procedure shall preclude the withdrawal of an appeal by the teacher at any point in the process by written notice.

Section 21. Salary Of Education Personnel.

a. For the 1987-88 school year and thereafter shall be established state allotment supplement ranges for Professional II and Master teachers which incorporate no less than a fiscal interval of \$5,000 between Professional I and Professional II and a fiscal interval of no less than \$6,000 between Professional II and Master teacher. At the Master level, an additional increment of \$1,000 shall be provided for teachers who hold AA certification, and an additional increment of \$1,000 shall be paid to teachers who hold doctorate degrees.

b. In developing local school system salary schedules, local boards of education shall structure salaries for those employees who do not have teaching duties as defined in Section 3, item 1 to ensure that salary differentials are consistent with the purposes and provisions of this act.

Section 22. Nothing contained in this act shall be construed as modifying the provisions of the teacher tenure law as codified in Sections 16-24-1 through 16-24-38, Code of Alabama 1975, inclusive, as amended.

All appeals provided in this Act shall be solely for the purpose of determination of the employee's salary under the Alabama Incentive Pay Program and such appeals shall not come under the jurisdiction or purview of the Alabama Teacher Tenure Law. Provided, however, that should the board or teacher offer in evidence in any transfer or termination case such evaluation or evaluations, then these documents will be used as evidence under the general provisions of the Alabama Teacher Tenure Law.

Section 23. Teachers who achieve a classification level shall remain at that level regardless of which local school board is the employer so long as the teacher continues to meet the maintenance of classification requirements for the classification achieved.

Section 24. No limit shall be placed on the number of teachers at any performance level contained in this act.

Section 25. Notwithstanding other provisions of this Act, Phase II of the Alabama Performance Based Career Incentive Program Act shall not take effect until the working committee has completed the development of the appraisal program and the first year of the evaluations has been completed in all local school systems. The State Superintendent of Education shall compile by local school system the results of the evaluations done and shall submit such information to the Governor, the Alabama Legislature, and the State Board of Education. Further, the Governor shall recommend and the Legislature must determine that sufficient funds are available for the implementation of Phase II of this program. The failure of the Governor to affirmatively recommend or the Legislature to appropriate necessary funds shall hold implementation of Phase II of this program in abeyance until such action shall have been taken by the Governor and the Legislature.

Section 26. The State Superintendent of Education shall cause to be compiled annually a report to be submitted to the Governor, the Legislature, the State Board of Education and to the public. This report shall be comprehensive in nature and shall identify the number of teachers by race in each local system who during the past school year qualified for each step on the career ladder and shall project into the forthcoming school year the number of teachers by race who will be eligible for each step on the career ladder and the cost thereof. This report shall be available and disseminated each year by the time of the convening of the Interim Budget Committees of the House and Senate of the Alabama Legislature.

Section 27. Non-discrimination. It shall be the public policy of the state of Alabama that no person being evaluated under the provisions of this Act shall be discriminated against based on age, sex, race, color, religion or national origin. In the event the operation of this Act results in fewer minorities being placed on the respective steps of the career ladder than normally could be expected, local boards of education must develop action plans providing for compensatory training programs which will provide opportunities for such employees to advance themselves on the career ladder.

Section 28. Regulations. The Alabama State Board of Education is hereby authorized, upon the recommendation of the State Superintendent of Education, to adopt such regulations as are necessary to implement the requirements of this act.

Section 29. Severability. In the event any section, sentence, clause or portion of this act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this act.

Section 30. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO TABLE LOST

The motion offered by Rep. Rice to table the substitute reported by the Standing Committee on Ways and Means, was lost.

Yeas 22; Nays 51.

Yeas:

Reps. Bachus, Box, Carothers, Cosby, Davis, Gaston, Grouby, Hammett, Hooper, Kvalheim, McKee, McMillan, Mitchell, Newton, Perdue, Rice, Rogers, Sasser, Seibels, Spratt, Starr and White (G).

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Nays:

Mr. Speaker, Adams, Albright, Blake, Boles, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Campbell, Carter, Clark (D), Clark (J), Coburn, Crow, Escott, Faulk, Fuller, Goodwin, Hall, Harper, Hettinger, Johnson (RG), Kennedy, Lauderdale, Lindsey, McDowell, Marietta, Martin, Mathis, Melton, Moore, Newman, Parker, Penry, Poole, Reed, Richardson, Smith, Starkey, Tanner, Trammell, Turner, Warren, White (F), White (L) and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 118. COMMENDING COACH SONNY SMITH AND THE AUBURN UNIVERSITY BASKETBALL TEAM.

Also:

H. J. R. 120. COMMENDING THE REVEREND AND MRS. ALFRED JULIUS STOKES ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 121. COMMENDING MCGILL-TOOLEN HIGH SCHOOL'S JUNIOR VARSITY SOCCER TEAM.

Also:

H. J. R. 122. COMMENDING MALCOLM D. DUEITT OF CITRONELLE, ALABAMA.

Also:

H. J. R. 123. COMMENDING LEWIS WENDELL PAGE FOR OUTSTANDING SERVICE TO THE SCOTTSBORO-JACKSON COUNTY COMMUNITY.

Also:

H. J. R. 124. COMMENDING MRS. DORA WINTERS OF BRYANT, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

H. J. R. 125. COMMENDING OWEN ARONOV, PRESIDENT, 1985, OF THE MONTGOMERY BOARD OF REALTORS.

Also:

H. J. R. 126. COMMENDING MR. GEORGE WILDER AND THE STAFF OF THE LOCKER ROOM.

Also:

H. J. R. 127. COMMENDING HAROLD MCLEMORE AND BUD SKINNER OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 128. COMMENDING HENIG FURS, INCORPORATED, OF MONTGOMERY, ALABAMA, FOR THE OUTSTANDING SUCCESS OF ITS OPERATION.

Also:

H. J. R. 129. COMMENDING HOMECOMING QUEEN RHONDA ZORN OF AUBURN UNIVERSITY AT MONTGOMERY.

Also:

H. J. R. 130. CONGRATULATING MR. AND MRS. CLYDE HAGLER ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

Also:

H. J. R. 135. COMMENDING MEADOWVIEW CHRISTIAN SCHOOL, SELMA, ALABAMA, STATE APSA 3-A FOOTBALL CHAMPIONS.

Also:

H. J. R. 136. COMMENDING AND CONGRATULATING SOUTHSIDE HIGH SCHOOL, SELMA, ALABAMA, STATE 5A BASKETBALL CHAMPIONS.

Also:

H. J. R. 137. COMMENDING JOHN FRANK CARTER OF SYLACAUGA, 1984 OUTSTANDING SECONDARY SCHOOL PRINCIPAL OF ALABAMA.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 118. COMMENDING COACH SONNY SMITH AND THE AUBURN UNIVERSITY BASKETBALL TEAM.

Also:

H. J. R. 120. COMMENDING THE REVEREND AND MRS. ALFRED JULIUS STOKES ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 121. COMMENDING MCGILL-TOOLEN HIGH SCHOOL'S JUNIOR VARSITY SOCCER TEAM.

Also:

H. J. R. 122. COMMENDING MALCOLM D. DUEITT OF CITRONELLE, ALABAMA.

Also:

H. J. R. 123. COMMENDING LEWIS WENDELL PAGE FOR OUTSTANDING SERVICE TO THE SCOTTSBORO-JACKSON COUNTY COMMUNITY.

Also:

H. J. R. 124. COMMENDING MRS. DORA WINTERS OF BRYANT, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

H. J. R. 125. COMMENDING OWEN ARONOV, PRESIDENT, 1985, OF THE MONTGOMERY BOARD OF REALTORS.

Also:

H. J. R. 126. COMMENDING MR. GEORGE WILDER AND THE STAFF OF THE LOCKER ROOM.

Also:

H. J. R. 127. COMMENDING HAROLD MCLEMORE AND BUD SKINNER OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 128. COMMENDING HENIG FURS, INCORPORATED, OF MONTGOMERY, ALABAMA, FOR THE OUTSTANDING SUCCESS OF ITS OPERATION.

Also:

H. J. R. 137. COMMENDING JOHN FRANK CARTER OF SYLACAUGA, 1984 OUTSTANDING SECONDARY SCHOOL PRINCIPAL OF ALABAMA.

Also:

H. J. R. 136. COMMENDING AND CONGRATULATING SOUTHSIDE HIGH SCHOOL, SELMA, ALABAMA, STATE 5A BASKETBALL CHAMPIONS.

Also:

H. J. R. 135. COMMENDING MEADOWVIEW CHRISTIAN SCHOOL, SELMA, ALABAMA, STATE APSA 3-A FOOTBALL CHAMPIONS.

Also:

H. J. R. 130. CONGRATULATING MR. AND MRS. CLYDE HAGLER ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

Also:

H. J. R. 129. COMMENDING HOMECOMING QUEEN RHONDA ZORN OF AUBURN UNIVERSITY AT MONTGOMERY.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 544 RESUMED

SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Starr offered the following substitute to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 544:

A BILL TO BE ENTITLED AN ACT

To provide for the establishment and development of a performance-based incentive program for teachers in the public schools of Alabama; to provide for a career ladder of five positions; to provide evaluation procedures for teachers; and to provide salary supplements to teachers based on their career ladder classification.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be known and may be cited as the "Alabama Public Schools' Teacher Incentive Program Act."

Section 2. For purposes of this act, the following terms shall have the respective meanings ascribed to them by this section:

(1) ADJUSTMENT PROCESS. The method used to resolve differences that may arise during the first three steps of the improvement and evaluation process between evaluatee and evaluator.

(2) ADJUSTMENT REVIEW PROCESS. A structured procedure to review summative assessment of performance with which the evaluatee disagrees.

(3) ASSESSMENT SYMBOLS. The following designations used to indicate levels of effectiveness in attaining performance standards:

a. HE - Highly Effective. Performance that merits commendation because it exceeds normal expectations required in the job and attains a quality level regarded as being exemplary in all respects.

b. S - Satisfactory. Performance that meets normal requirements of the job in a quite effective manner.

c. NI - Needs Improvement. Performance that is acceptable, but there are areas that will require improvement if a higher rating is to be attained.

d. U. - Unsatisfactory. Performance that, over time, has remained significantly deficient and, despite appropriate assistance and supervision, has continued to be deficient, so that the chances for satisfactory service to be achieved are unlikely.

(4) CONTINUOUS IMPROVEMENT. The phase of the teacher incentive program designed to enable evaluatees to increase their effectiveness.

(5) CONTRIBUTOR. A person who provides general or specialized assistance for either or both the evaluatee or evaluator.

(6) DESCRIPTOR. The component of performance standards, provided to describe and clarify the meaning of the standard.

(7) ELIGIBILITY DATE. The eligibility date for movement in the teacher incentive program which will be July 1 of each year.

(8) EVALUATEE. A person being evaluated.

(9) EVALUATION. The phase of the teacher incentive program that provides for the assessment of the effectiveness of the evaluatee.

(10) EVALUATION TASK FORCE. The teacher incentive program evaluation task force.

(11) EVALUATOR. An administrator, teacher, or other individual who has successfully completed training in the use of an approved performance evaluation system for the teacher incentive program and whose name is included on the appropriate list of observers.

(12) IDENTIFY NEEDS. The initial step in the process during which the teacher's status of current performance is determined.

(13) INDIVIDUAL DEVELOPMENT PLAN. The form prescribed in section 11(a)(14) of this act which shall be used to show the teacher's individual prescription and the implementation activities for carrying out the plan.

(14) INFIELD DEGREE. A degree in a single subject or field with emphasis or specialization in a specific teaching field or service area.

(15) LOCAL SCHOOL BOARD OR SYSTEM. Any city or county board of education.

(16) OBSERVATION. Classroom visitations and/or other work station contacts wherein the individual's work is observed by the principal or other designated person(s).

a. Formal Observation. A thirty minutes or longer observation in the preparation of the observation report prescribed in section 11(a)(5) of this act.

b. Informal Observation. An observation of any duration in which no observation report is prepared.

(17) OBSERVATION REPORT. The form prescribed in section 11(a)(5) of this act which shall be used to record observation information and recommendations of the observer.

(18) PARTICIPANT. An individual who is employed in an instructional personnel position in the public school system and who has been accepted into and wishes to continue in the teacher incentive program.

(19) **PERFORMANCE.** The carrying out of certain tasks and activities as prescribed to the various classifications of educational employees.

(20) **PERFORMANCE STANDARDS.** Major areas of responsibility, with descriptors under each, used to define the scope of the teacher's job.

(21) **PRESCRIPTION FOR REMEDIATION.** The explicit actions listed on the professional development plan which the principal prescribes to correct indicated deficiencies of the teacher.

(22) **PROFESSIONAL DEVELOPMENT PLAN.** Specific activities to promote further professional development for teachers.

(23) **REGULAR CONTRACT.** A contract for a period during which elementary or secondary schools are regularly in session for the minimum number of required days of instruction for pupils.

(24) **STANDARD.** A major area of responsibility.

(25) **SUMMATIVE EVALUATION REPORT.** The form prescribed in section 11(a)(24) which shall be used to assess overall effectiveness at the close of the year.

(26) **TEACHING DUTIES.** The instructional assignment or assignments of an individual for a school fiscal year.

(27) **TEACHING EXPERIENCE.** Employment in an instructional personnel position. The teaching experience shall be completed in a public or nonpublic elementary or secondary school which is operated by a public school district. Teaching experience in a nonpublic school shall be acceptable provided the candidate held a full-time certificate issued by the State Department of Education where the experience was completed and the certificate was valid when the teaching experience was acquired.

Section 3. The Alabama public schools' teacher incentive program will consist of a career ladder which provides for five positions to include the following:

(1) **TEACHER CANDIDATE.** To qualify for this position, the individual shall establish eligibility by:

- a. Maintaining a valid Alabama teacher's certificate;
- b. Being employed by the local school system under a regular contract for the ensuing school year.

(2) **ASSOCIATE TEACHER.** To qualify for this position, the individual shall establish eligibility by:

- a. Maintaining a valid Alabama teacher's certificate;
- b. Being employed by the local school system under a regular contract for the ensuing school year;
- c. Achieving tenure;
- d. Attaining three years' teaching experience;
- e. Completing a professional development plan as specified in section 11(a)(14) of this act;
- f. Holding an infield degree in the subject, field, or service area where the majority of the participant's teaching duties have occurred during the

previous three years. A participant's degree shall not be subject to the requirements of this plan if:

1. The participant is assigned involuntarily to teaching duties which constitute a majority in a subject, field, or service area other than the degree major if documentation of such involuntary assignment can be provided to the screening committee; or

2. If the participant was employed prior to the adoption of this plan.

(3) STAFF TEACHER. To qualify for this position, the individual shall establish eligibility by:

a. Maintaining a valid Alabama teacher's certificate;

b. Being employed by the local school system under a regular contract for the ensuing school year;

c. Attaining at least five years' experience;

d. Attaining 85 percent of the maximum weighted score on the summative evaluation as prescribed in section 11(a)(24) over the previous three years; or attaining 93 percent of the maximum weighted score on the summative evaluation over the previous two years;

e. Achieving at least 70 percent of the maximum score on a writing exercise as provided in section 12 of this act;

f. Completing a professional development plan as specified in section 11(a)(14) of this act;

g. Holding an infield degree in the subject, field or service area where the majority of the participant's teaching duties have occurred during the previous three years. A participant's degree shall not be subject to the requirements of this plan if:

1. The participant is assigned involuntarily to teaching duties which constitute a majority in a subject, field, or service area other than the degree major if documentation of such involuntary assignment can be provided to the screening committee; or

2. If the participant was employed prior to the adoption of this plan.

Upon meeting these qualifications, participants who wish to be considered for a change in status to staff teacher shall accomplish the following:

(i) Apply to the chairperson of the screening committee for staff teacher status one year prior to date of eligibility;

(ii) Complete the screening process.

(4) SENIOR TEACHER. To qualify for this position, the individual shall establish eligibility by:

a. Maintaining a valid Alabama teacher's certificate;

b. Being employed by the local school system under a regular contract for the ensuing school year;

c. Attaining at least eight years' experience;

d. Attaining 93 percent of the maximum weighted score on the summative evaluation as prescribed in section 11(a)(24) over the previous four

years; or attaining 96 percent of the maximum weighted score on the summative evaluation over the previous three years;

e. Completing a professional development plan as specified in section 11(a)(14) of this act;

f. Holding an infield master's degree in the subject, field or service area where the majority of the candidate's teaching duties have occurred during the previous three years. A participant's master's degree shall not be subject to this requirement if:

1. The participant is assigned involuntarily to teaching duties which constitute a majority in a subject, field, or service area other than the master's degree if documentation of such involuntary assignment can be provided to the screening committee; or

2. If participant was employed prior to the adoption of this plan.

Upon meeting these qualifications, participants who wish to be considered for a change in status to senior teacher shall accomplish the following:

(i) Apply to the chairperson of the screening committee for senior teacher status one year prior to date of eligibility;

(ii) Submit to the chairperson of the screening committee, one year prior to date of eligibility, a portfolio which shall include, but not be limited to, the following:

aa. A series of lesson plans, prepared by the applicant, sufficient to encompass ten instructional hours in one subject or grade;

bb. Copies of the applicant's summative evaluations from the previous four years;

cc. Evidence of the applicant's classroom organization and management procedures;

dd. Evidence of communication between the applicant and parents, students, peers, and administration;

(iii) Complete the screening process;

(iv) Complete the evaluation process conducted by the evaluation task force.

(5) MASTER TEACHER. To qualify for this position, the individual shall establish eligibility by:

a. Maintaining a valid Alabama teacher's certificate;

b. Being employed by the public schools under a regular contract for the ensuing school year;

c. Attaining at least ten years' experience;

d. Attaining 94 percent of the maximum weighted score on the summative evaluation over the previous three years; or attaining 97 percent of the maximum weighted score on the summative evaluation over the previous two years;

e. Completing a professional development plan as specified in section 11(a)(14) of this act;

f. Holding an infield master's degree in the subject, field or service area where the majority of the candidate's teaching duties have occurred during the previous three years; (Participant's master's degree shall not be subject to this requirement if the participant is assigned involuntarily to teaching duties which constitute a majority in a subject, field, or service area other than the master's degree major if documentation of such involuntary assignment can be provided to the screening committee or if the participant was employed prior to the adoption of this plan.)

Upon meeting these qualifications, participants who wish to be considered for a change in status to master teacher shall accomplish the following:

(i) Apply to the chairperson of the screening committee for master teacher status one year prior to date of eligibility;

(ii) Submit to the chairperson of the screening committee one year prior to date of eligibility, a portfolio which shall include, but not be limited to, the following:

aa. A series of lesson plans, prepared by the applicant, sufficient to encompass ten instructional hours in one subject or grade;

bb. Copies of the applicant's summative evaluations from the previous three years;

cc. Evidence of the applicant's classroom organization and management procedures;

dd. Evidence of communication between the applicant and parents, students, peers, and administration.

(iii) Complete the screening process;

(iv) Complete the evaluation process.

Section 4. Instructional staff members who were employed prior to the adoption of the teacher incentive program shall have the option of participating.

The positions of associate teacher and staff teacher are the designated entry points for those current instructional staff members who elect to participate. All participants from the current instructional staff may enter at either of these two levels based upon the position requirements and the participants' qualifications.

Section 5. All instructional staff personnel employed by the local school system after the adoption of this program will enter the career ladder at the teacher candidate level except for those employees who have previous experience in other school systems. Those employees with previous experience may enter the career ladder at either the associate teacher or staff teacher level provided they meet all applicable qualifications except the tenured status requirement. No employee, regardless of previous experience, will progress beyond the staff teacher level without tenured teacher status.

Section 6. Each local board of education shall appoint an elementary screening committee and a secondary screening committee, to be comprised of seven members each, including four classroom teachers, one instructional specialist, one principal, and one program administrator who will serve as the permanent chairperson of both committees. Two members shall be designated to serve one-year terms, two shall serve for two years, and two shall be appointed for a three-year term.

Section 7. Teacher candidates shall achieve associate teacher status upon notification of tenure and no application will be required for this change in status. Movement from any other level will require that application for a change in status be forwarded by the participant to the teacher incentive program screening committee. A copy of this application shall be submitted to the principal.

Section 8. Applications for a change in status must be received one year prior to date of eligibility. Upon receipt of the application, the screening committee shall complete the following procedures:

- (1) Verify the information contained in the application;
- (2) Determine the participant's eligibility for a status change;
- (3) Schedule, conduct, and receive the results of the required writing exercise for participants applying for staff teacher status;
- (4) Screen the portfolio submitted by each participant seeking a change in status to either senior or master teacher and forward it to the evaluation task force;
- (5) Receive the results of the evaluation process from the principal and/or the evaluation task force;
- (6) Make final recommendation for status change to the superintendent.

Section 9. There shall be established a continuous improvement and evaluation plan for classroom teachers which plan should provide for a thorough and reliable evaluation of teaching proficiency and professional conduct.

The overall purpose of such evaluation process shall be:

- (1) To encourage professional growth and increased competency among all teaching personnel;
- (2) To provide information needed to accomplish the following:
 - a. Screen and select individuals for promotion, advancement, or special assignment;
 - b. Monitor individual teacher's needs for improvement;
 - c. Allocate supervisory and resource personnel to assist teachers in the development of professional competencies;
 - d. Provide career counseling for teachers;
 - e. Support administrative recommendations of nonrenewal of contract or dismissal during contract year in accordance with state law.

Section 10. Using the descriptors and sources of information detailed on the following data source checklist, all teacher candidates, associate teachers and staff teachers (except those staff teacher applicants who have applied for a change in status to senior teacher) shall be evaluated.

DATA SOURCE CHECKLIST

AREA I — TEACHING AND/OR JOB PERFORMANCE

100—Teaches to specific stated objectives

101—Teaches toward specific unit objectives set forth in local guides and state course of study

102—Demonstrates a knowledge of the domain concept by implementing appropriate learning activities in keeping with student skills and understandings in the cognitive, affective, and psychomotor domains

103—Demonstrates an understanding of diagnostic prescriptive teaching by teaching toward objectives which are appropriate to student abilities, achievement levels, and learning styles

200—Uses appropriate principles of learning and teaching methods which promote learning

201—Utilizes appropriate principles of learning which affect motivation

202—Utilizes appropriate principles of learning which affect rate and degree of learning

203—Utilizes appropriate principles of learning which affect retention

204—Utilizes appropriate principles of learning which affect transfer

205—Uses appropriate methodology

206—Uses a variety of approaches and strategies, and different levels of materials

207—Involves students in total class activities as well as in small groups according to levels of learning

208—Clearly states assignments that are relevant to student needs and abilities

300—Uses appropriate methods to evaluate learning activities and teaching strategies

400—Provides evidence of achievement of desired learning objectives by use of evaluation instruments which indicate at least minimum level skills

500—Uses school time effectively

501—Attends regularly and is punctual

502—Makes effective use of planning period, if provided

503—Uses classroom time to the maximum level

504—Guides or encourages students to use classroom time to the maximum level

505—Utilizes time wisely in moving from group to group, from class to class, and in all school activities

506—Assumes responsibility for encouraging student attendance and promptness in all related school activities

600—Maintains good classroom management/discipline

601—Shows consistency and fairness in dealing with all students

602—Organizes the physical setting and provides a classroom environment conducive to student learning

603—Establishes procedures for the arrival and departure of students, for automatic and orderly conduct during fire, tornado, and hurricane drills, and for other routines

604—Establishes and clearly communicates parameters for student classroom behavior

605—Assists students toward self-discipline and acceptable standards of behavior

606—Makes appropriate use of support personnel, e.g., counselors, social workers, nurses, therapists

607—Manages discipline problems in accordance with administrative regulations, school board policies, and legal requirements

AREA II — PROFESSIONAL COMPETENCIES AND QUALITIES

700—Scholarship

701—Demonstrates a comprehensive knowledge of one or more specific areas and a broad knowledge of the total program

702—Cooperatively works in studying and improving factors which affect child growth and development

703—Engages in workshops, seminars, local school in-service programs, and informal study to strengthen competencies in needed areas

704—Actively and enthusiastically promotes pilot and/or experimental programs

705—Seeks other professional assistance in the area of student, teacher or principal needs

706—Demonstrates imagination, creativity, and resourcefulness

707—Vocally expresses ideas clearly and in grammatically correct form

708—Articulates and enunciates in an acceptable manner

709—Demonstrates ability to express ideas in writing, using a grammatically correct form

800—Leadership and initiative

801—Makes decisions and accepts responsibility

802—Actively pursues support for implementation of strategies, ideas, and programs thought to be of worth to the system

803—Conscientiously engages in the development of new programs, procedures, and materials

900—Organization

901—Plans and conducts activities in an organized manner

902—Develops plans and procedures for maintaining a productive classroom environment for the using of and caring for materials and for conducting academic activities

903—Keeps planning, evaluation, and administrative records in accordance with approved policies and procedures

1000—Records and reports

1001—Maintains and submits accurate reports on schedule

1002—Maintains accurate, objective, and confidential reports on assigned students/teachers, school, etc.

AREA III—INTERPERSONAL RELATIONSHIPS

1100—Works cooperatively and enthusiastically with students and school personnel in an environment of kindness, warmth, and acceptance, and in a framework of firmness and expectancy

1101—Gives leadership to the total program in an area of responsibility

1102—Makes concessions in area of responsibility for the good of the total program

1103—Plans cooperatively with leadership in other areas of responsibility

1104—Recognizes worth of all individuals in a leadership capacity and seeks to upgrade instruction by building self-concept

1105—Takes a stand on issues when the decision might be unpopular

1106—Faces issues on a one-to-one basis rather than with the total group when the problem can be identified on an individual basis

1107—Seeks to upgrade all individuals by conveying a belief in the ability of all

1108—Praises in general and particular people whose performance has been outstanding

1109—Reinforces behavior when progress has been made through progress is less than expected

1110—Seeks to change behavior by first gaining the confidence of the individual or group

1111—Shows genuine respect, concern, and warmth toward professionals and nonprofessionals

1112—Delegates authority to various people

1113—Meets frustration without becoming hostile or losing control of emotions

1114—Shares materials and equipment

1115—Actively works to keep channels of communications open so that people feel free to seek help

1200—Relationships with parents, civic and service organizations, other educational institutions and the general public are characterized by respect, openness, friendliness, and professional ethics

1201—Works cooperatively with parents

1202—Works cooperatively with local colleges and universities to further the aims of public education

1203—Seeks to strengthen a constructive relationship between the school and the total community

1204—Positively interprets the school programs and policies to the community

AREA IV—PERSONAL QUALITIES

1300—Physical appearance and activity

1301—Has good posture, grooming, appropriate dress, and cheerful disposition

1302—Demonstrates physical and emotional fitness appropriate to assignment and age

1303—Manifests reasonably high degree of energy in the teaching act or other assigned tasks

1400—Citizenship

1401—Exemplifies dedication to the democratic process, reflecting belief that only through learning can democracy remain strong

1402—Exemplifies love and respect for country and flag

1403—Exemplifies political awareness

1404—Exemplifies citizenship responsibilities such as voting, the protection of environment, etc.

1500—Professional ethics

1501—Demonstrates a positive belief in the purposes of public education

1502—Keeps in confidence information obtained in the course of daily activities

1503—Works through channels to solve problems and promote instructional and staff development

1504—Considers education a profession and works to improve it

1505—Carries out school policies professionally

1506—Shows loyalty and respect to those in authority, co-workers, and the profession in general

Section 11. (a) All teacher candidates, associate teachers and staff teachers (except those staff teacher applicants who have applied for a change in status to senior teacher) shall be evaluated according to the Data Source Checklist set forth in section 10 hereof and shall be further evaluated according to the following steps:

(1) The principal and/or contributor shall make at least one formal observation before preparation of the professional development plan. If any deficiencies are noted, at least two other formal observations are made before the completion of the plan.

(2) No formal observations shall be made during the first weeks of school.

(3) Informal observations may occur at any time.

(4) Formal observations may occur at any time deemed necessary, but observations should be no less than 30 minutes in length.

(5) An observation report in the following form shall be completed for each formal observation:

OBSERVATION REPORT

PERSON

OBSERVED: _____ SCHOOL: _____ SUBJECT/GRADE: _____

CLASSROOM: _____ Standard _____ Portable DATE: _____ TIME: From _____ To _____
_____ Floating _____ Other LEVEL: _____ CLASS SIZE _____

DIRECTIONS: Performance standards most directly involved in the teaching process are listed below. These are standards that are evaluated primarily through classroom observations. The space to the right of the standards is provided for note taking during the observation. If areas needing improvement are identified, encircle the standard number and complete the bottom section of the form.

AREA I—TEACHING AND/OR JOB PERFORMANCE

100—Teaches to specific stated objectives

200—Uses appropriate principles of learning and teaching methods which promote learning

300—Uses appropriate methods to evaluate learning activities and teaching strategies

400—Provides evidence of achievement of desired learning objectives

500—Uses school time effectively

600—Maintains good classroom management/discipline

COMMENTS:

STATEMENT OF NEED:

SUGGESTED STRATEGY FOR IMPROVEMENT:

EVALUATIVE CRITERIA:

CONFERENCE HELD INVOLVING:

TEACHER _____ ; PRINCIPAL _____ ; CONTRIBUTOR _____

SIGNATURE OF PRINCIPAL/CONTRIBUTOR: _____

Copies: White-Evaluated Pink-Principal Yellow-Contributor

(6) Observation reports are used to identify both strengths and weaknesses.

(7) Supplementary notes, memoranda, and other supporting documents used in observations are attached to the observation report set out in subdivision (5) hereinabove.

(8) Observation reports do not become part of the teacher's permanent personnel file unless termination is recommended.

(9) Areas not included on the observation report in subdivision (5) are documented through the use of memoranda or other forms of written communication. These are shared with the teacher.

(10) On or before the announced date (the end of the ninth week of school, unless otherwise indicated), a professional development plan is completed for each evaluatee.

(11) Using the performance standards for teachers as set forth in this subdivision the principal, or his designee, reviews the teacher's performance in all areas. If there are identified deficiencies, as supported by observation reports and/or other means of documentation, the number preceding the performance standard is encircled. If no deficiencies have been identified, the standard numbers remain unmarked.

PERFORMANCE STANDARDS FOR TEACHERS

Maximum Weighted Score

AREA I — TEACHING AND/OR PERFORMANCE

- 9.0 100—Teaches to specific stated objectives
- 3.0 101—Teaches toward specific unit objectives set forth in local guides and state course of study
- 3.0 102—Demonstrates a knowledge of the domain concept by implementing appropriate learning activities in keeping with student skills and understandings in the cognitive, affective, and psychomotor domains
- 3.0 103—Demonstrates an understanding of diagnostic prescriptive teaching by teaching toward objectives which are appropriate to student abilities, achievement levels, and learning styles
- 19.0 ... 200—Uses appropriate principles of learning and teaching methods which promote learning
- 3.0 201—Utilizes appropriate principles of learning which affect motivation
- 2.0 202—Utilizes appropriate principles of learning which affect rate and degree of learning
- 2.0 203—Utilizes appropriate principles of learning which affect retention
- 2.0 204—Utilizes appropriate principles of learning which affect transfer
- 3.0 205—Uses appropriate methodology
- 3.0 206—Uses a variety of approaches and strategies and different levels of materials
- 2.0 207—Involves students in total class activities as well as in small groups according to levels of learning

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- 2.0 208—Clearly states assignments that are relevant to student needs and abilities
- 6.0 300—Uses appropriate methods to evaluate learning activities and teaching strategies
- 3.0 301—Continuously monitors student behavior for indications that students are mastering each learning increment
- 3.0 302—Makes necessary adjustments in teaching activities and strategies to assure student learning
- 5.0 400—Provides evidence of achievement of desired learning objectives
- 2.5 401—Includes evaluation procedures in lesson planning
- 2.5 402—Cooperates in administration of system-adopted testing programs
- 403—Other (specify)
- 13.0 ... 500—Uses school time effectively
- 2.0 501—Attends regularly and is punctual
- 2.0 502—Makes effective use of planning period, if provided
- 3.0 503—Uses classroom time to the maximum level
- 2.0 504—Guides or encourages students to use classroom time to the maximum level
- 2.0 505—Utilizes time wisely in moving from group to group, from class to class, and in all school activities
- 2.0 506—Assume responsibility for encouraging student attendance and promptness in all related school activities
- 15.0 ... 600—Maintains good classroom management/discipline
- 2.0 601—Shows consistency and fairness in dealing with all students
- 3.0 602—Organizes the physical setting and provides a classroom environment conducive to student learning
- 2.0 603—Establishes procedures for the arrival and departure of students, for automatic and orderly conduct during fire, tornado, and hurricane drills, and for other routines
- 2.0 604—Establishes and clearly communicates parameters for student classroom behavior
- 2.0 605—Assists students toward self-discipline and acceptable standards of behavior
- 2.0 606—Makes appropriate use of support personnel, e.g., counselors, social workers, nurses, therapists
- 2.0 607—Manages discipline problems in accordance with administrative regulations, school board policies, and legal requirements

TOTAL: 67.0

AREA II — PROFESSIONAL COMPETENCIES AND QUALITIES

- 5.0 700—Scholarship
- .5 701—Demonstrates a comprehensive knowledge of one or more specific areas and a broad knowledge of the total program
- .5 702—Cooperatively works in studying and improving factors which affect child growth and development
- .5 703—Engages in workshops, seminars, local school in-service programs, and informal study to strengthen competencies in needed areas
- .5 704—Actively and enthusiastically promotes pilot and/or experimental programs
- .5 705—Seeks other professional assistance in the area of student, teacher, or principal needs
- .5 706—Demonstrates imagination, creativity, and resourcefulness
- .5 707—Vocally expresses ideas clearly and in grammatically correct form
- .5 708—Articulates and enunciates in an acceptable manner
- 1.0 709—Demonstrates ability to express ideas in writing, using a grammatically correct form
- 3.0 800—Leadership and initiative
- 1.0 801—Makes decisions and accepts responsibility
- 1.0 802—Actively pursues support for implementation of strategies, ideas, and programs thought to be of worth to the system
- 1.0 803—Conscientiously engages in the development of new programs, procedures, and materials
- 4.0 900—Organization
- 1.0 901—Plans and conducts activities in an organized manner
- 1.0 902—Develops plans and procedures for maintaining a productive classroom environment, for the using of and caring for materials, and for conducting academic activities
- 2.0 903—Keeps planning, evaluation, and administrative records in accordance with approved policies and procedures
- 3.0 ... 1000—Records and reports
- 1.5 ... 1001—Maintains and submits accurate reports on schedule
- 1.5 ... 1002—Maintains accurate, objective, and confidential reports on assigned students/teachers, school, etc.

TOTAL 15.0

AREA III — INTERPERSONAL RELATIONSHIPS

- 6.0 ... 1100—Works cooperatively and enthusiastically with students and school personnel in an environment of kindness, warmth, and acceptance, and in a framework of firmness and expectancy
- .4 1101—Gives leadership to the total program in area of responsibility

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- .4 1102—Makes concessions in area of responsibility for the good of the total program
- .4 1103—Plans cooperatively with leadership in other areas of responsibility
- .4 1104—Recognizes worth of all individuals in a leadership capacity and seeks to upgrade instruction by building self-concept
- .4 1105—Takes a stand on issues when the decision might be unpopular
- .4 1106—Faces issues on a one-to-one basis rather than with the total group when the problem can be identified on an individual basis
- .4 1107—Seeks to upgrade all individuals by conveying a belief in the ability of all
- .4 1108—Praises, in general and particular, people whose performance has been outstanding
- .4 1109—Reinforces behavior when progress has been made, through progress is less than expected
- .4 1110—Seeks to change behavior by first gaining the confidence of the individual or group
- .4 1111—Shows genuine respect, concern, and warmth toward professionals and nonprofessionals
- .4 1112—Delegates authority to various people
- .4 1113—Meets frustration without becoming hostile or losing control of emotions
- .4 1114—Shares materials and equipment
- .4 1115—Actively works to keep channels of communication open so that people feel free to seek help
- 4.0 ... 1200—Relationships with parents, civic and service organizations, other educational institutions and the general public are characterized by respect, openness, friendliness, and professional ethics
- 1.0 ... 1201—Works cooperatively with parents
- 1.0 ... 1202—Works cooperatively with local colleges and universities to further the aims of public education
- 1.0 ... 1203—Seeks to strengthen a constructive relationship between the school and the total community
- 1.0 ... 1204—Positively interprets the school programs and policies to the community

TOTAL 10

AREA IV—PERSONAL QUALITIES

- 3.0 ... 1300—Physical appearance and activity
- 1.0 ... 1301—Has good posture, grooming, appropriate dress, and cheerful disposition

- 1.0 ... 1302—Demonstrates physical and emotional fitness appropriate to assignment and age
- 1.0 ... 1303—Manifests reasonably high degree of energy in the teaching act or other assigned tasks
- 2.0 ... 1400—Citizenship
- .5 1401—Teaches dedication to the democratic process, reflecting belief that only through learning can democracy remain strong
- .5 1402—Teaches love and respect for country and flag
- .5 1403—Teaches political awareness
- .5 1404—Teaches citizenship responsibilities such as voting, the protection of environment, etc.
- 3.0 ... 1500—Professional Ethics
- .5 1501—Demonstrates a positive belief in the purposes of public education
- .5 1502—Keeps in confidence information obtained in the course of daily activities
- .5 1503—Works through channels to solve problems and promote instructional and staff improvement
- .5 1504—Considers education a profession and works to improve it
- .5 1505—Carries out school policies professionally
- .5 1506—Shows loyalty and respect to those in authority, co-workers, and in the profession in general

TOTAL 8

SIGNATURES: (Signature does not necessarily indicate agreement; rather that the process was carried out.)

EVALUATOR: _____ DATE: _____

EVALUATEE: _____ DATE: _____

(12) The evaluator and the evaluatee sign the performance standards.

(13) The performance standards to be addressed in the professional development plan are identified. Growth activities, along with sources of assistance and expected date of completion, are determined in conference.

(14) The following individual professional development plan is completed and the performance standards are attached:

INDIVIDUAL PROFESSIONAL DEVELOPMENT PLAN

School Year _____

EVALUATEE: _____ POSITION _____ SCHOOL _____

EVALUATOR: _____ POSITION _____

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Performance Standards and De- scriptions	Activities	Source of Assistance	Estimated Date of Completion
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COMMENTS: (Evaluatee)

COMMENTS: (Evaluator)

SIGNATURES:

Evaluatee _____ Evaluator _____

Copies:

White-Evaluatee, Pink-Evaluator, Yellow-Personnel Office

(15) The evaluator and the evaluatee sign the Individual Professional Development Plan set forth in subdivision (14).

(16) If a disagreement occurs, either the teacher or the principal may select one or more contributors to conduct an observation of the teacher. If the disagreement persists, an adjustment process is instituted.

(17) The professional development plan is determined by the evaluatee's needs and the prescribed remediation. Growth activities may include, but not be limited to, the viewing of teaching demonstrations, participation in staff development workshops, individual conferences with resource persons, and independent study.

(18) The implementation of the professional development plan is the responsibility of the evaluatee.

(19) Both formal and informal observations may be conducted during the implementation period.

(20) The evaluator, the contributor, and the evaluatee confer to assess the extent to which the professional development plan was achieved.

(21) The evaluatee is given an opportunity to indicate his/her assessment of the extent to which the professional development plan was achieved and to cite specific areas (if any) where assistance was inadequate in kind and amount.

(22) Comments of either party may be recorded in the "comments" section of the individual professional development plan section and/or on a memorandum or other form of written communication.

(23) Prior to the date set by the personnel office, the evaluator makes the final observation of the teacher to assess overall performance.

(24) The following summative evaluation form is completed by the principal:

SUMMATIVE EVALUATION
TEACHER INCENTIVE PROGRAM

EVALUATEE: _____ POSITION: _____ SCHOOL: _____

EVALUATOR: _____ POSITION: _____

DIRECTIONS: This form is to be used for the Summative Evaluation. Column I lists fifteen (15) performance standards on which performance is rated. Using the Summative Evaluation Key, score the evaluatee under the appropriate evaluation symbol below column II.

EVALUATION SYMBOLS: HE — Highly effective S — Satisfactory
NI — Needs Improvement U — Unsatisfactory

COLUMN I — PERFORMANCE STANDARDS	COLUMN II
	HE S NI U

AREA I — TEACHING AND/OR JOB PERFORMANCE

100—Teaches to specific stated objectives

200—Uses appropriate principles of learning and teaching methods which promote learning

300—Uses appropriate methods to evaluate learning activities and teaching strategies

400—Provides evidence of achievement of desired learning objectives

500—Uses school time effectively

600—Maintains good classroom management/discipline

AREA II — PROFESSIONAL COMPETENCIES/QUALITIES

700—Scholarship

800—Leadership and initiative

900—Organization

1000—Records and Reports

AREA III — INTERPERSONAL RELATIONSHIPS

1100—Works cooperatively and enthusiastically with students and school personnel in an environment of kindness, warmth, and acceptance, and in a framework of firmness and expectancy

1200—Relationships with parents, civic and service organizations, other educational institutions and the general public characterized by respect, openness, friendliness, and professional ethics.

AREA IV — PERSONAL QUALITIES

1300—Physical appearance and activity

1400—Citizenship

1500—Professional ethics

COMMENTS: (Evaluatee)

SUB TOTAL:

GRAND TOTAL:

COMMENTS: (Evaluator)

SIGNATURE: (Signature does not necessarily indicate agreement; rather that the process was carried out.)

EVALUATEE: _____ DATE: _____

EVALUATOR: _____ DATE: _____

COPIES: White-Evaluatee

Pink-Evaluator

Yellow-Evaluation

Task Force

(25) The teacher and the principal confer. Relevant documents are shared.

(26) The teacher responds to the assessment.

(27) The summative evaluation is signed by the principal and the teacher.

(28) Copies are distributed as indicated.

(29) If disagreement exists at the end of subdivision (5) above, the evaluation is reviewed in accordance with the adjustment review process.

(b) In the event that differences of opinion develop between the evaluatee and evaluator, the following adjustment process and adjustment review shall be available:

(1) The adjustment process shall be followed early in the evaluation cycle if the evaluatee disagrees about the suitability of the evaluator's prescriptions. Either evaluatee or evaluator may request a supplementary observation by a third person from among those designated as contributors. As a result of this supplementary observation, the evaluatee, evaluator and contributor shall confer and resolve the disagreement, however, in event that a disagreement cannot be solved by the parties, the following procedures shall be used:

a. The evaluatee and evaluator shall put their positions in writing.

b. A committee of three reviews the case. The committee shall be formed as follows:

1. The evaluatee nominates a qualified, actively employed member of the school system staff.

2. The evaluator nominates an administrator or supervisor.

3. The two nominees select a third member.

c. The decision of the committee shall be final.

(2) If there is disagreement on the summative evaluation and recommendation, the following adjustment review procedures shall be used:

a. Both parties shall put their position in writing.

b. Documentation relating to issues in question shall be reviewed by an adjustment review committee which shall be selected as follows:

1. A peer nominated by the evaluatee; (This must be an active professional employee of the local school system.)

2. A peer nominated by the evaluator; (This must be an active professional employee of the local school system.)

3. A teacher selected from the Adjustment Review Roster of Teachers. This roster shall be compiled as follows:

(i) Each elementary school in the local school system elects one teacher to be placed on the roster for elementary teachers.

(ii) Each middle school elects two teachers to be placed on the middle school roster.

(iii) Each high school elects two teachers to be placed on the high school roster.

(iv) Rosters are prepared for each level — elementary, middle, and high — by placing the names in random order.

(v) When the selection of a review committee becomes necessary, the first person on the list is used unless, for some urgent, cogent reason, he/she is considered ineligible. When a second committee is to be formed, the next name on the roster is used, etc.

4. A local school administrator, i.e., principal, assistant principal, instructional specialist, selected from the adjustment review roster of administrators. This roster shall be compiled as follows:

(i) Elementary, middle and high school rosters are prepared by listing all eligible participants in random order.

(ii) Committee members are selected from the top of the list as described in 3. above.

5. One representative from the central office adjustment review roster; this roster is compiled as follows:

(i) All professional personnel from the offices of the assistant superintendents for instruction and from the division of curriculum development shall be placed on either an elementary roster or a secondary roster. Names are listed in random order.

(ii) Committee members shall be selected from the top of the list as described in 3. above.

c. Rosters are maintained and committee meetings scheduled by the director of personnel relations.

d. The evaluatee and evaluator shall be called for clarification of points in the written positions. (This is an option of the committee.)

e. The committee shall make written recommendation to the evaluatee, the evaluator, and the director of personnel relations, who is responsible for the preparation of recommendations to the local superintendent of education for disposition.

Section 12. In addition to the satisfactory completion of the steps in the evaluation process detailed in section 11 of this act, proficiency in written communication skills must be demonstrated by participants who apply for a change in status to staff teacher. This proficiency shall be assessed in a writing exercise which shall be scheduled and conducted annually by the teacher incentive program screening committee.

Each participant shall be required to compose an essay of approximately 500 words which shall be assessed by a third party evaluator on the basis of sentence structure, paragraph organization and development, mechanics, grammar and usage. A score of 70 percent shall be obtained to satisfy such eligibility requirement for a change in status to staff teacher.

The identity of all participants shall be concealed during the assessment of the writing exercise.

Section 13. (a) The local board of education shall appoint one full-time evaluator for every 50 applicants to the position of senior or master teacher. Such evaluators shall be selected to reflect the background of the applicants and shall comprise the teacher incentive program evaluation task force. Such task force shall function as two separate teams, elementary and secondary, and shall assume responsibility for evaluation of their respective groups.

(b) The evaluation task force shall complete an intensive training program designed to insure that the differentiated evaluation process for all

participants requesting a change in status to either the senior or master teacher level will be valid and consistent. Such training shall focus on the development of the skills and understandings necessary to fulfill the following job responsibilities:

- (1) Reviewing participants' portfolios.
- (2) Conducting interviews which are appropriately designed to elicit relevant data from peers, the local school administrative team, other contributors and the participant.
- (3) Fair and precise scoring of the weighted summative evaluation as evidenced by the form set forth in section 11(a)(24) of this act.
- (4) Efficient use of time in managing numerous and simultaneous participant evaluations.
- (c) Mastery of all skills and understanding necessary for the successful implementation of the differentiated evaluation process of the teacher incentive program shall be required of each task force member. The subsequent training needs of the evaluation task force will be addressed continuously.
- (d) The following steps shall be taken in the evaluation process for participants who are serving at or applying for a change in status to either the senior or master teacher levels:
 - (1) The principal and an evaluation task force member shall make at least one formal observation before preparation of the professional development plan. If any deficiencies are noted, at least two other formal observations shall be made before the completion of the plan.
 - (2) No formal observations shall be made during the first two weeks of school.
 - (3) Informal visits/observations may occur at any time.
 - (4) Formal observations may occur at any time deemed necessary, but observations should be no less than 30 minutes in length.
 - (5) An observation report as provided in section 11(a)(5) of this act is completed for each formal observation.
 - (6) Observation reports are used to identify both strengths and weaknesses.
 - (7) Supplementary notes, memoranda, and other supporting documents used in observations are attached to the observation report.
 - (8) Observation reports do not become part of the teacher's permanent personnel file unless termination is recommended.
 - (9) Areas not included on the observation report provided in section 11(a)(5) are documented through the use of memoranda or other forms of written communication. These are shared with the teacher.
 - (10) On or before the announced date (the end of the ninth week of school, unless otherwise indicated), a professional development plan is completed for each evaluatee.
 - (11) Using the performance standards for teachers as set forth in section 11(a)(11) of this act, the principal and the evaluation task force member

review the teacher's performance in all areas. If there are identified deficiencies, as supported by observation reports and/or other means of documentation, the number preceding the performance standard(s) is encircled. If no deficiencies have been identified, the standard numbers remain unmarked.

(12) The evaluator and the evaluatee sign the performance standards.

(13) The performance standards to be addressed in the professional development plan are identified. Growth activities, along with sources of assistance and expected date of completion, are determined in conference.

(14) The individual professional development plan, the form which is prescribed in section 11(a)(14), is completed and the performance standards are attached.

(15) The evaluator and the evaluatee sign the individual professional development plan.

(16) If a disagreement occurs, either the teacher or the principal may select one or more contributors to conduct an observation of the teacher. If the disagreement persists, an adjustment process shall be instituted.

(17) The professional development plan is determined by the evaluatee's needs and the prescribed remediation. Growth activities may include, but not be limited to, the viewing of teaching demonstrations, participation in staff development workshops, individual conferences with resource persons, and independent study.

(18) The implementation of the professional development plan is the responsibility of the evaluatee.

(19) Both formal and informal observations may be conducted during the implementation period.

(20) The evaluator, the evaluation task force member, and the evaluatee confer to assess the extent to which the professional development plan was achieved.

(21) The evaluatee is given an opportunity to indicate his assessment of the extent to which the professional development plan was achieved and to cite specific areas (if any) where assistance was inadequate in kind and amount.

(22) Comments of either party may be recorded in the "comments" section of the observation report and/or on a memorandum or other form of written communication.

(23) Prior to the date set by the personnel office, the evaluator makes the final observation of the teacher to assess overall performance.

(24) The summative evaluation is completed by the principal and the evaluation task force member.

(25) The teacher, the evaluation task force member, and the principal confer. Relevant documents are shared.

(26) The teacher responds to the assessment.

(27) The summative evaluation is signed by the principal and the teacher.

(28) Copies are distributed as indicated.

(29) If disagreement exists at the end of subdivision (5) of this section, the evaluation is reviewed in accordance with the adjustment review process.

(e) In the event that differences of opinion develop between the evaluatee and the evaluator, the following adjustment process and adjustment review shall be available:

(1) The adjustment process shall be followed early in the evaluation cycle if the evaluatee disagrees about the suitability of the evaluator's prescriptions. Either party may request a supplementary observation by a third person from among those designated as contributors. It is expected that, as a result of this supplementary observation, the evaluatee, evaluator, and contributor will confer and resolve the disagreement.

At any stage of the process, however, when a serious disagreement arises that cannot be solved by the parties, the following procedures may be used:

a. The evaluatee and evaluator put their positions in writing.

b. A committee of three people reviews the case. The committee is formed as follows:

1. The evaluatee nominates a qualified, actively employed member of the school system staff.

2. The evaluator nominates an administrator or supervisor.

3. The two nominees select a third member.

c. The decision of the committee is final.

(2) If there is disagreement on the summative evaluation and recommendation, the following adjustment review procedures shall be used:

a. Both parties shall put their positions in writing.

b. Documentation relating to issues in question is reviewed by an adjustment review committee which shall be selected as follows:

1. A peer nominated by the evaluatee; (This must be an active professional employee of the local school system.)

2. A peer nominated by the evaluator; (This must be an active professional employee of the local school system.)

3. A teacher selected from the adjustment review roster of teachers. This roster is compiled as follows:

(i) Each elementary school elects one teacher to be placed on the roster for elementary teachers.

(ii) Each middle school elects two teachers to be placed on the middle school roster.

(iii) Each high school elects two teachers to be placed on the high school roster.

(iv) Rosters shall be prepared for each level—elementary, middle, and high—by placing the names in random order.

(v) When the selection of a review committee becomes necessary, the first person on the list is used unless for some urgent, cogent reason he is

considered ineligible. When a second committee is to be formed, the next name on the roster is used, etc.

4. A local school administrator, i.e., principal, assistant principal, instructional specialist, selected from the adjustment review roster of administrators. This roster shall be compiled as follows:

(i) Elementary, middle and high school rosters are prepared by listing all eligible participants in random order.

(ii) Committee members are selected from the top of the list as described in (3) above.

5. One representative from the central office adjustment review roster; this roster shall be compiled as follows:

(i) All professional personnel from the local superintendent of education's office are placed on either an elementary roster or a secondary roster. Names are listed in random order.

(ii) Committee members are selected from the top of the list as described in (c) above.

(c) Rosters shall be maintained and committee meetings scheduled by the person in charge of personnel in the local board of education office.

(d) The evaluatee and evaluator may be called for clarification of points in the written positions. (This shall be an option of the committee.)

(e) The committee shall make written recommendation to the evaluatee, the evaluator, and the personnel director who shall be responsible for the preparation of recommendations to the superintendent for disposition.

Section 14. Supplements shall be paid to participants based on their career ladder classification and participants' contracts, duties and respective time allocation shall be determined by their career ladder classification according to the following schedule:

STAFF LEVELS

MASTER TEACHER

SALARY—Base Salary plus

\$2,000.00 Career Ladder Supplement

CONTRACT—9 or 10 months

DUTIES

TIME

ALLOCATION

9 months classroom instruction

100 percent

*10 months classroom instruction

90 percent

staff development,

curriculum development

program assessment,

and/or research

10 percent

SENIOR TEACHER

SALARY—Base Salary plus
\$1,500.00 Career Ladder Supplement
CONTRACT—9 or 10 months

DUTIES

TIME
ALLOCATION

9 months classroom instruction	100 percent
*10 months classroom instruction	90 percent
staff development,	
curriculum development	
program assessment,	
and/or research	10 percent

STAFF TEACHER

SALARY—Base Salary plus
\$1,000.00 Career Ladder Supplement
CONTRACT—9 months

DUTIES

TIME
ALLOCATION

Classroom instruction	100 percent
-----------------------	-------------

ASSOCIATE TEACHER

SALARY—Base Salary plus
\$500.00 Career Ladder Supplement
CONTRACT—9 months

DUTIES

TIME
ALLOCATION

Classroom instruction	100 percent
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TEACHER CANDIDATE

SALARY—Base Salary
CONTRACT—9 months

DUTIES

TIME
ALLOCATION

Classroom instruction	100 percent
-----------------------	-------------

*Base salary shall be increased by 1 month's pay for the 10 month option.

Section 15. (a) Participants may elect to remain in each classification at least for the period specified below and as is desired in section 3 of this act.

- | | |
|-----------------------|-----------|
| (1) Teacher candidate | — 3 years |
| (2) Associate teacher | — 3 years |
| (3) Staff teacher | — 4 years |
| (4) Senior teacher | — 3 years |

(b) Participants whose performance evaluations exceed that required for a status change may elect the following schedule as described in Section 3:

- | | |
|-----------------------|-----------|
| (1) Teacher candidate | — 3 years |
| (2) Associate teacher | — 2 years |
| (3) Staff teacher | — 3 years |
| (4) Senior teacher | — 2 years |

Section 16. Upon receiving classification at any level, the participant assumes an obligation to maintain the same degree of performance which qualified him for the classification. In the event that the performance level falls below that which is prescribed in section 3, the participant will be reclassified in the next lower level for which he qualifies.

Section 17. A program administrator shall be appointed by each local board of education to perform the organizational and planning tasks needed to support the work of the elementary and secondary screening committees and the evaluation task force. This administrator will be charged with the management of on-going program operations in order to free the committees to assume all screening and decision-making responsibilities.

Section 18. All information submitted by an applicant according to the provisions of this plan will be received by the teacher incentive program administrator who will assume responsibility for storing and maintaining these records in order to insure security and confidentiality.

Section 19. The incentive program in each school system shall be evaluated annually by an incentive program evaluation task force. The task force will be comprised of twenty-four teachers equally divided among elementary, middle, and high schools, and three instructional specialists, two assistant principals, six principals, and six lay members.

Teachers, instructional specialists, assistant principals, and principals will be nominated by local school faculties. The superintendent shall select the task force from those nominated and shall submit the list to the board for approval. Lay members will be nominated by the superintendent and board members with the final six persons approved by the board.

Task force members shall rotate each year. The rotation cycle shall be established by rostering the entire task force in alphabetical order. Every third person will serve three years, every second person will serve two years, and all remaining members will serve one year.

The task force shall submit an annual report to the superintendent by July 1 each year. That report shall address program needs based on input from local faculties and will include appropriate recommendations for modifications, if needed.

Section 20. The local board of education shall maintain staff development activities designed to provide training which will enable all teachers to take advantage of incentive structures provided in this plan.

Section 21. This act shall be applicable in all city and county school systems unless any such system adopts an alternate teacher incentive program approved by the state board of education.

Section 22. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 23. All laws or parts of laws which conflict with this act are hereby repealed.

Section 24. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE TABLED

On motion of Rep. Browder, the substitute offered by Rep. Starr to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 544, was tabled.

Yeas 59; Nays 36.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Biddle, Black, Blake, Blakeney, Boles, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Goodwin, Harvey, Hettinger, Holley, Holmes, Johnson (Roy), Junkins, Laird, Lauderdale, Lindsey, McDowell, Mathis, Melton, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Poole, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Trammell, Warren and White (L).

—59

Nays:

Reps. Bachus, Box, Brooks, Carothers, Cosby, Flowers, Gaston, Gray, Grouby, Hall, Hammett, Harper, Hooper, Johnson (RG), Kennedy, Kvalheim, McKee, McMillan, Marietta, Martin, Mikell, Mitchell, Payne, Penry, Pratt, Rains, Rice, Sasser, Seibels, Starr, Turner, Turnham, Venable, White (F), White (G) and Zoghby.

—36

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 544, and the substitute was adopted.

Yeas 79; Nays 14.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Biddle, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W),

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Coburn, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, Marietta, Martin, Mathis, Melton, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Rains, Reed, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—79

Nays:

Reps. Buskey (James), Carothers, Cosby, Grouby, Hooper, McKee, Mikell, Mitchell, Pratt, Rice, Sasser, Seibels, Starr and Turnham.

—14

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means to the bill, H. 544, said committee amendment being as follows:

Amend House Bill 544 as Substituted on page 23, Section 27, line 22, by adding after the word "minorities" the following:

or other teachers not performing up to normal standards

AMENDMENT TABLED

On motion of Rep. Browder, the amendment reported by the Standing Committee on Ways and Means to the bill, H. 544 as amended, was tabled.

Yeas 80; Nays 10.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Blake, Blakeney, Boles, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, McMillan, McNair, Martin, Mathis, Melton, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Rice, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren and White (L).

—80

Nays:

Reps. Coleman, Cosby, Holley, Hooper, McKee, Mitchell, Pratt, Rains, Reed and Sasser.

—10

AMENDMENT OFFERED

Reps. Coburn and Clark (J) offered the following amendment to the bill, H. 544 as amended:

Amend House Bill 544 as substituted on pages 22 and 23 by deleting Section 25 in its entirety and inserting a new Section 25.

"Section 25. The State Superintendent of Education shall submit a progress report on the implementation of Phase I of the Career Incentive Program to the Governor, members of the Alabama Legislature, and members of the State Board of Education by January 1, 1987. Such progress report shall include the evaluation instrument developed by the Working Committee established by this Act, any administrative procedures developed by the State Department of Education and/or the Working Committee pursuant to the evaluation instrument, a summary of any training seminars and manuals developed, and the status of evaluations being conducted in each of the local school systems. The State Director of Finance shall certify to the Legislature on the first legislative day of the 1987 Regular Session as to whether or not revenue is available in the projected estimates of revenue to the Alabama Special Educational Trust Fund for Fiscal Year 1987-88 to implement Phase II of the Career Incentive Program. Before Phase II of the Career Incentive Program can be implemented, the Legislature shall pass a joint resolution certifying that the Legislature has reviewed and endorses the Career Incentive Program as implemented in Phase I and that sufficient funds are available to implement Phase II of the Career Incentive Program. Such joint resolution must be signed by the Governor in order for such resolution to be effective.

In the event that Phase II is not implemented in Fiscal Year 1987-88, such joint resolution certifying the matters outlined in this section must be passed before Phase II of the Career Incentive Program can be implemented in any subsequent year."

SUBSTITUTE AMENDMENT OFFERED

Rep. Rice offered the following substitute amendment to the amendment offered by Reps. Coburn and Clark (J) to the bill, H. 544 as amended:

AMENDMENT TO HOUSE BILL 544 AS SUBSTITUTED

Amend House Bill 544 as substituted on pages 22 and 23 by deleting Section 25 in its entirety and inserting a new Section 25.

"Section 25. The State Superintendent of Education shall submit a progress report on the implementation of Phase I of the Career Incentive Program to the Governor, members of the Alabama Legislature, and members of the State Board of Education by January 1, 1987. Such progress report shall include the evaluation instrument developed by the Working Committee established by this Act, any administrative procedures developed by the State Department of Education and/or the Working Committee pursuant to the evaluation instrument, a summary of any training seminars and manuals developed, and the status of evaluations being conducted in each of the local school systems. The State Director of Finance shall certify to the Legislature on the first legislative day of the 1987 Regular Session as to whether or not revenue is available in the projected estimates of revenue to the Alabama Special Educational Trust Fund for Fiscal Years 1987-88 through 1989-90 to implement Phase II of the Career Incentive Program. Before Phase II of the Career Incentive Program can be implemented, the Legislature shall pass a new bill reaffirming its commitment to the Career Incentive Program as implemented in Phase I and affirming that sufficient funds are available to implement Phase II of the Career Incentive Program. If such bill is not passed by the end of the 1987 Regular Session of the Alabama Legislature, Phase II of the Career Incentive Program shall not be implemented.

SUBSTITUTE AMENDMENT ADOPTED

And the substitute amendment was adopted.

Yeas 95; Nays 0.

Yeas:

Mr. Speaker, Albright, Bachus, Beasley, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Martin, Mathis, Melton, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—95

AMENDMENT OFFERED

Rep. Kennedy offered the following amendment to the bill, H. 544 as amended:

Amend House Bill 544, as Substituted and Amended, on Page 5, Section 5, Subsection (d), beginning on line 7 by striking lines 7 through 9 in their entirety and inserting in lieu thereof the following new language:

d. Organizations or persons responsible for appointment of members of the Working Committee and evaluators shall insure equitable representation by minority groups.

Further amend House Bill 544, as Substituted and Amended, on Page 18, beginning on line 29 by striking Section 19 in its entirety and inserting a new Section 19 to read as follows:

Section 19. Minimum Standards. Notwithstanding any provisions of this Act, the job description and appraisal instruments to be developed by the Working Committee are intended to establish minimum standards of job performance.

Such minimum standards of job performance shall meet or exceed maximum standards presently existing in any local school system in the State of Alabama. Nothing contained in this Act shall prohibit local boards of education from setting higher standards for performance for employees provided such standards are approved by the State Superintendent of Education and do not result in any discrimination against any individual or group of individuals for racial, political, religious or reasons of sex, and provided such local standards are evaluated separately from the provisions of this Act and provided further that employees evaluated are compensated from local funds after having met additional local standards. No state funds may be withheld from an employee for failure of the employee to meet additional local standards.

Further amend House Bill 544, as Substituted and Amended, on Page 22, Section 22, beginning on line 11 by striking lines 11 through 17 in their

entirety and inserting in lieu thereof the following new language to read as follows:

All appeals provided in this Act shall be solely for the purpose of determination of the employee's salary under the Alabama Incentive Pay Program.

Further amend House Bill 544, as Substituted and Amended, on Page 23, Section 27, beginning on line 18 by deleting all of Section 27 in its entirety and inserting a new Section 27 to read as follows:

Section 27. Non-discrimination. It shall be the public policy of the State of Alabama that no person being evaluated under the provisions of this Act shall be discriminated against based on age, sex, race, color, religion or national origin. In the event the operation of this Act impacts adversely on any racial or ethnic group resulting in fewer members of that racial or ethnic group being placed on any of the respective steps of the career ladder than normally could be expected, the State Superintendent must take whatever action is needed to ensure that the adverse impact is eliminated.

To give force to this Act, the Legislature hereby establishes a special committee to investigate violations of the provisions of this Act regarding discrimination. The committee shall be composed of three (3) persons; one (1) to be appointed by the State Superintendent of Education, one (1) to be appointed by the Executive Secretary of AEA, and one (1) to be selected by the members appointed by the State Superintendent of Education and the Executive Secretary of AEA, respectively. If the two (2) persons so appointed cannot agree on a third person, the State Superintendent and the Executive Secretary of AEA shall submit three (3) names each to the Governor, who shall select one (1) person from among the six (6) names submitted.

All complaints made under this Act alleging discrimination shall be filed with the State Superintendent of Education, who shall then refer said complaints to the special committee not later than thirty (30) days following receipt of the complaints. The special committee shall immediately institute its investigation and report its findings to the State Superintendent of Education not less than sixty (60) days following receipt of the complaints. The State Superintendent of Education shall act on the special committee's report not less than thirty (30) days following the receipt of the report from the special committee.

SUBSTITUTE AMENDMENT OFFERED

Rep. Gray offered the following substitute amendment to the amendment offered by Rep. Kennedy to the bill, H. 544 as amended:

Amend House Bill 544, as Substituted and Amended, on Page 5, Section 5, Subsection (d), beginning on line 7 by striking lines 7 through 9 in their entirety and inserting in lieu thereof the following new language:

d. Organizations or persons responsible for appointment of members of the Working Committee and evaluators shall insure equitable representation by minority groups.

Further amend House Bill 544, as Substituted and Amended, on Page 18, beginning on line 29 by striking Section 19 in its entirety and inserting a new Section 19 to read as follows:

Section 19. Minimum Standards. Notwithstanding any provisions of this Act, the job description and appraisal instruments to be developed by

the Working Committee are intended to establish minimum standards of job performance.

Such minimum standards of job performance shall meet or exceed maximum standards presently existing in any local school system in the State of Alabama. Nothing contained in this Act shall prohibit local boards of education from setting higher standards for performance for employees provided such standards are approved by the State Superintendent of Education and do not result in any discrimination against any individual or group of individuals for racial, political, religious or reasons of sex, and provided such local standards are evaluated separately from the provisions of this Act and provided further that employees evaluated are compensated from local funds after having met additional local standards. No state funds may be withheld from an employee for failure of the employee to meet additional local standards.

Further amend House Bill 544, as Substituted and Amended, on Page 22, Section 22, beginning on line 11 by striking lines 11 through 17 in their entirety and inserting in lieu thereof the following new language to read as follows:

All appeals provided in this Act shall be solely for the purpose of determination of the employee's salary under the Alabama Incentive Pay Program.

Further amend House Bill 544, as Substituted and Amended, on Page 23, Section 27, beginning on line 18 by deleting all of Section 27 in its entirety and inserting a new Section 27 to read as follows:

Section 27. Non-discrimination. It shall be the public policy of the State of Alabama that no person being evaluated under the provisions of this Act shall be discriminated against based on age, sex, race, color, religion or national origin. In the event the operation of this Act impacts adversely on any racial or ethnic group resulting in fewer members of that racial or ethnic group being placed on any of the respective steps of the career ladder than normally could be expected, the State Superintendent must take whatever action is needed to ensure that the adverse impact is eliminated.

To give force to this Act, the Legislature hereby establishes a special committee to investigate violations of the provisions of this Act regarding discrimination. The committee shall be composed of three (3) persons; one (1) to be appointed by the State Superintendent of Education, one (1) to be appointed by the Executive Secretary of AEA, and one (1) to be selected by the members appointed by the State Superintendent of Education and the Executive Secretary of AEA, respectively. If the two (2) persons so appointed cannot agree on a third person, the State Superintendent and the Executive Secretary of AEA shall submit three (3) names each to the Governor, who shall select one (1) person from among the six (6) names submitted.

All complaints made under this Act alleging discrimination shall be filed with the State Superintendent of Education, who shall then refer said complaints to the special committee not later than thirty (30) days following receipt of the complaints. The special committee shall immediately institute its investigation and report its findings to the State Superintendent of Education not less than sixty (60) days following receipt of the complaints. The State Superintendent of Education shall act on the special committee's report not less than thirty (30) days following the receipt of the report from the special committee.

It is not the intent of the legislature to establish quotas in any way.

SUBSTITUTE AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the substitute amendment offered by Rep. Gray to the amendment offered by Rep. Kennedy to the bill, H. 544 as amended, was tabled.

Yeas 65; Nays 24.

Yeas:

Mr. Speaker, Adams, Albright Bachus, Biddle, Black, Blake, Blakeney, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Goodwin, Grayson, Holley, Holmes, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, McDowell, McNair, Martin, Mathis, Melton, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Poole, Reed, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Turner, Warren, White (F) and White (L).

—65

Nays:

Reps. Beasley, Box, Brooks, Cosby, Gaston, Gray, Grouby, Hammett, Harper, Hooper, Kvalheim, Laird, McKee, McMillan, Marietta, Mikell, Penry, Preuitt, Rice, Sasser, Seibels, Starr, Turnham and White (G).

—24

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Kennedy to the bill, H. 544 as amended, and the amendment was adopted.

Yeas 74; Nays 16.

Yeas:

Reps. Adams, Albright, Beasley, Biddle, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Goodwin, Grayson, Hall, Hettinger, Holley, Holmes, Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, McDowell, McMillan, McNair, Martin, Mathis, Melton, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Thomas, Turner, Warren, White (F), and White (L).

—74

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Nays:

Reps. Gaston, Grouby, Hooper, Johnson (RG), Kvalheim, Laird, McKee, Marietta, Mikell, Payne, Preuitt, Sasser, Seibels, Starr, Turnham and White (G).

—16

AMENDMENT OFFERED

Rep. Adams offered the following amendment #1 to the bill, H. 544 as amended:

Page 18, line 13, by striking Section 18 b. in its entirety and replacing with the following:

b. Upon request, one (1) additional evaluation shall be allowed the teacher for each evaluation required in 18 a. above.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 89; Nays 7.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—89

Nays:

Reps. Carothers, Hooper, McKee, McNair, Moore, Tanner and Turnham.

—7

AMENDMENT OFFERED

Rep. Adams offered the following amendment #2 to the bill, H. 544 as amended:

On page 3, line 31, in Section 3. add a new subsection "o":

o. Teacher. Teacher shall include all professional personnel whom the State Board of Education requires to hold a provisional or professional certificate with the exception of the principal and assistant principal. This definition shall include but not be limited to librarians, counselors, boy and/or girl advisors, coaches, vocational education coordinators, psychometrists and such others whom the State Board may require to be certified. In any instance where a person is required as a part of his or her job responsibilities

to evaluate other teaching or instructional personnel, such person shall be deemed to be an administrator/supervisor and shall not be classified as a teacher.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 95; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—95

AMENDMENT OFFERED

Rep. Adams offered the following amendment #3 to the bill, H. 544 as amended:

Page 5, Line 20, Section 6 b. following the word "elementary" insert a comma and the words "one middle school/junior high school."

Further, Page 5, Line 27, Section 6, add a new section d. and renumber the current section d. as section "e"; the new language for new section d. to read:

d. One principal or supervisor from each local school system to be selected by principals and supervisors in such system.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 93; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers,

Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—93

Nay: Rep. McNair.

—1

AMENDMENT OFFERED

Rep. Hammett offered the following amendment to the bill, H. 544 as amended:

Amend Ways and Means Substitute to H. 544 by deleting Section 20, subsection e., found on Page 20, and by relettering all subsequent sections.

Further amend by deleting Section 20, subsections f. and g., found on Pages 20 and 21, and by substituting in lieu thereof the following, and by relettering all subsequent sections:

f. State Appeal Process. If the teacher is dissatisfied with the local school board's disposition of the appeal, the teacher may notify the State Superintendent of Education, requesting in writing a review of the local evaluation. A copy of the request must be sent by the teacher to the local superintendent. Upon receipt of a written request, the State Superintendent of Education shall designate a member of his staff, who shall conduct a complete review of the teacher's evaluations, including documentation on which the evaluations were based, the procedures followed during evaluations and the teacher's responses to those evaluations. If the review reveals that the teacher was treated fairly and that the local evaluation was based on adequate documentation, the local evaluation shall be sustained. If the review indicates that proper procedures were not followed or that documentation is insufficient to substantiate the local evaluation, the state reviewer may conduct a new evaluation of the teacher's performance. Within five days following the reevaluation or following a decision to sustain the local evaluation, the reviewer shall submit a complete report of his findings to the State Superintendent of Education. Based upon the findings resulting from the state review, the State Superintendent of Education shall forward a copy of his recommendation to the teacher, local superintendent, and the president of the local board of education. Following receipt of the State Superintendent of Education's recommendation, the local Board of Education shall render a final decision on the employee's evaluation.

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment offered by Rep. Hammett to the bill, H. 544 as amended, was tabled.

Yeas 46; Nays 43.

Yeas:

Mr. Speaker, Albright, Blake, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Clark (D), Clark (W), Coburn, Crow, Davis, Escott, Ford, Goodwin, Gray, Holley, Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, Mathis, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Parker, Reed, Richardson, Rogers, Spratt, Tanner, Thomas, Trammell, Turner and Warren.

—46

Nays:

Reps. Adams, Bachus, Beasley, Box, Brooks, Butler, Carothers, Carter, Clark (J), Coleman, Cosby, Faulk, Gaston, Grouby, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Kvalheim, Laird, McKee, McMillan, Marietta, Martin, Mikell, Onderdonk, Payne, Penry, Pratt, Preuitt, Rains, Rice, Sasser, Seibels, Smith, Starkey, Starr, Turnham, White (F), White (G), White (L) and Zoghby.

—43

AMENDMENT OFFERED

Rep. Bachus offered the following amendment to the bill, H. 544 as amended:

Amend substitute to H. 544 by deleting Section 20, subsections e., f. and g., found on Pages 20 and 21, by inserting a new subsection e. as follows, and by relettering subsequent subsections.

e. State Appeals Process. Having exhausted the local appeals process, an eligible teacher who as a result of his/her last evaluation is denied a promotion or demoted may enter the state appeals process. Upon receipt of such written request from the teacher, the state Superintendent of Education shall within 10 days designate a member of his staff who shall conduct a review of the teacher's evaluations, including documentation on which the evaluations were based, the procedures followed during evaluations and the teacher's response to them. A report shall be developed by the staff member, and shall be forwarded to the state superintendent. The state superintendent shall review the evidence and may either

a. sustain the local evaluation, if he finds proper procedure was followed and that documentation is adequate for the conclusion; or

b. order a new evaluation to be conducted by an appropriate member of his staff.

If the state superintendent elects to sustain the local evaluation, his decision shall be final and no further appeals will be available. If the state superintendent orders a new evaluation, the results of that evaluation shall be final and binding on all parties.

AMENDMENT TABLED

On motion of Rep. Browder, the amendment offered by Rep. Bachus to the bill, H. 544 as amended, was tabled.

Yeas 65; Nays 31.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Black, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Carter, Clark (D), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Goodwin, Grayson, Holley, Holmes, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, McNair, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Parker, Perdue, Reed, Richardson, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Warren and White (L).

—65

Nays:

Reps. Bachus, Box, Brooks, Butler, Carothers, Clark (J), Cosby, Gaston, Grouby, Hammett, Harper, Hettinger, Hooper, Kvalheim, McKee, McMillan, Mikell, Onderdonk, Payne, Penry, Poole, Pratt, Preuitt, Rains, Rice, Sasser, Seibels, Starr, Turnham, White (G) and Zoghby.

—31

AMENDMENT OFFERED

Rep. Poole offered the following amendment #1 to the bill, H. 544 as amended:

Amend Substitute to House Bill 544, page 6, immediately following line 29, by inserting a new subsection c. and renumbering remaining subsections accordingly. The new subsection c., to read as follows:

c. State Board of Education Responsibilities. The State Board of Education, concurrently with the working committee and the Appraisal Review Committee, shall develop an appraisal program which includes 75% to 100% objective standards. These standards shall include, if the board deems feasible, but are not limited to:

1. Improvement in student test scores during the school year. Improvement shall be measured by tests administered at the beginning and ending of the school year.

2. Involvement in extracurricular activities.

Approval of the State Board of Education's evaluation plan will be submitted for approval in the same manner as the working committee's plan in Section 7, subsection b. on page 6.

AMENDMENT TABLED

On motion of Rep. Browder the amendment #1 offered by Rep. Poole to the bill, H. 544 as amended, was tabled.

Yeas 60; Nays 28.

Yeas:

Mr. Speaker, Adams, Albright, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Buskey (John), Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Goodwin, Grayson, Hall, Harper, Holley, Holmes, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, Martin, Mathis, Melton, Moore, Newman, Newton, Nicholson, Parker, Perdue, Reed, Richardson, Rogers, Smith, Starkey, Tanner, Thomas, Trammell, Turner and Warren.

—60

Nays:

Reps. Beasley, Box, Brooks, Burke, Butler, Cosby, Flowers, Gaston, Grouby, Hammett, Hooper, Kvalheim, McKee, McMillan, McNair, Mikell, Payne,

Penry, Poole, Pratt, Preuitt, Rice, Sasser, Seibels, Starr, Turnham, White (G) and Zoghby.

—28

AMENDMENT OFFERED

Rep. Poole offered the following amendment #2 to the bill, H. 544 as amended:

Amend Substitute to House Bill 544, page 19, beginning on line 11, by deleting lines 11 through 40 in their entirety, by deleting lines 2 through 40 on page 20, by deleting lines 2 through 23 on page 21 and by substituting in lieu thereof the following:

a. The appeals process shall follow the same procedure as that for appealing a tenure ruling. The following sections shall define this procedure: §16-24-9, §16-24-10, §16-24-36, §16-24-37 and §16-24-38.

b. A board is hereby created to hear appeals described in subsection a. of this section. This board shall be named the Career Ladder Evaluation Appeal Board. The composition and functions of this board shall be the same as described for the State Tenure Commission in §16-24-31, §16-24-32, §16-24-33, §16-24-34, §16-24-35 and §16-24-36.

AMENDMENT TABLED

On motion of Rep. Browder, the amendment #2 offered by Rep. Poole to the bill, H. 544 as amended, was tabled.

Yeas 61; Nays 27.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Buskey (John), Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Grayson, Hall, Harper, Holmes, Johnson (RG), Johnson (Roy), Junkins, Laird, Lauderdale, Lindsey, McDowell, Marietta, Mathis, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Reed, Richardson, Rogers, Spratt, Starkey, Trammell, Turner, Turnham, Warren and White (L).

—61

Nays:

Reps. Bachus, Box, Brooks, Burke, Butler, Cosby, Grouby, Hammett, Holley, Hooper, McKee, McMillan, Martin, Mikell, Payne, Penry, Poole, Pratt, Preuitt, Rains, Rice, Sasser, Seibels, Starr, Venable, White (G) and Zoghby.

—27

AMENDMENT OFFERED

Rep. Brooks offered the following amendment #1 to the bill, H. 544 as amended:

In Section 5, page 4, delete lines 16 and 17 beginning with the capitalized word "Fifteen" and ending with the word "the" and insert in lieu thereof the following language:

Fifteen of the members shall be public school teachers and shall be appointed according to the following formula: the executive secretary of the

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Alabama Education Association shall appoint a number of the 15 as the ratio of the percentage of teachers belonging to AEA bears to total number of teachers; the executive secretary of the American Federation of Teachers shall appoint a number of the 15 as the ratio of the percentage of teachers belonging to AFT bears to the total number of teachers, and any remaining unappointed teacher members shall be appointed by the governor and must not be members of either of the two afore-mentioned teacher unions or associations; fifteen of the

AMENDMENT TABLED

On motions of Rep. Johnson (Roy), the amendment #1 offered by Rep. Brooks to the bill, H. 544 as amended, was tabled.

Yeas 69; Nays 19.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Biddle, Black, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Carothers, Carter, Clark (D), Clark (W), Coburn, Crow, Davis, Escott, Faulk, Fuller, Goodwin, Grayson, Harper, Harvey, Holley, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Poole, Preuitt, Reed, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Venable, Warren and White (L).

—69

Nays:

Reps. Bachus, Brooks, Butler, Cosby, Gaston, Hall, Hettinger, Hooper, McKee, McMillan, Mikell, Payne, Penry, Pratt, Rice, Sasser, Starr, Turnham and White (G).

—19

AMENDMENT OFFERED

Rep. Brooks offered the following amendment #2 to the bill, H. 544 as amended:

Amend H. B. 544 on page 20, Section e, line 20 by striking after the word "of the following"

the following: lines 13 through 26 up to "reappraisers from the 10-member panel

and inserting in lieu thereof, the following:

1. Five persons named by the State Superintendent of Education.

2. Five persons named by the Executive Secretary of the Education Association or union which, if any, represents or has as members a majority of the teachers of the state, and

3. Five persons named by the governor of this state.

The members shall serve as re-appraisers in state appeals cases under the performance program. In the case of an appeal under the state level of

the appeals process, the State Superintendent, the applicable Executive Director and the Governor shall each, at random select a re-appraiser from this portion of the fifteen-member panel.

AMENDMENT TABLED

On motion of Rep. Browder, the amendment #2 offered by Rep. Brooks to the bill, H. 544 as amended, was tabled.

Yeas 61; Nays 27.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Black, Blakeney, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (John), Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Goodwin, Harvey, Holley, Johnson (RG), Johnson (Roy), Junkins, Laird, Lauderdale, Lindsey, McDowell, Marietta, Mathis, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Reed, Richardson, Rogers, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Warren, White (L) and Zoghby.

—61

Nays:

Reps. Bachus, Brooks, Cosby, Gaston, Grouby, Hall, Hammett, Harper, Hettinger, Hooper, Kvalheim, McKee, McMillan, Martin, Mikell, Payne, Penry, Poole, Pratt, Rice, Sasser, Seibels, Smith, Starr, Turnham, Venable and White (F).

—27

AMENDMENT OFFERED

Rep. Hooper offered the following amendment to the bill, H. 544 as amended:

Amend substitute to H. 544 by deleting in its entirety Section 30, found on Page 23, and by substituting in lieu thereof the following:

Section 30. Effective Date.

This act shall become effective October 1 of the year following its passage and approval of the governor, and following its approval by a majority of the electors voting in a public referendum.

AMENDMENT TABLED

On motion of Rep. Browder, the amendment offered by Rep. Hooper to the bill, H. 544 as amended, was tabled.

Yeas 56; Nays 41.

Yeas:

Mr. Speaker, Adams, Albright, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Buskey (John), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Dutton, Escott, Ford, Fuller, Goodwin, Grayson, Hettinger, Johnson (Roy), Junkins, Laird,

Lauderdale, Lindsey, McDowell, Marietta, Mathis, Melton, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Reed, Richardson, Rogers, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Warren and White (L).

—56

Nays:

Reps. Bachus, Beasley, Biddle, Brooks, Burke, Butler, Coleman, Cosby, Faulk, Flowers, Gaston, Gray, Grouby, Hammett, Harper, Harvey, Holley, Hooper, Johnson (RG), Kvalheim, McKee, McMillan, McNair, Martin, Mikell, Mitchell, Payne, Penry, Poole, Pratt, Preuitt, Rains, Rice, Sasser, Seibels, Smith, Starr, Turnham, Venable, White (F) and Zoghby.

—41

AMENDMENT OFFERED

Rep. Payne offered the following amendment to the bill, H. 544 as amended:

Amend Substitute to House Bill 544, Section 20, page 20, beginning on line 9, by striking lines 9 through 40 in their entirety and on page 21, by striking lines 2 through 23 in their entirety and on line 25 at the beginning of the line by striking ~~h~~ and substituting in lieu there e.

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment offered by Rep. Payne to the bill, H. 544 as amended, was tabled.

Yeas 58; Nays 30.

Yeas:

Mr. Speaker, Albright, Beasley, Blake, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (John), Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Dutton, Escott, Ford, Fuller, Goodwin, Grayson, Harvey, Holley, Holmes, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, McDowell, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Perdue, Reed, Richardson, Rogers, Smith, Spratt, Starkey, Thomas, Trammell, Warren and White (L).

—58

Nays:

Reps. Adams, Bachus, Brooks, Butler, Carter, Faulk, Gaston, Gray, Grouby, Hammett, Harper, Hettinger, Hooper, Kvalheim, McKee, McMillan, Mikell, Payne, Penry, Preuitt, Rains, Sasser, Seibels, Starr, Tanner, Turnham, Venable, White (F), White (G) and Zoghby.

—30

AMENDMENT OFFERED

Rep. Bachus offered the following amendment #2 to the bill, H. 544 as amended:

Amend Ways and Means Substitute to H. 544 by deleting in Section 20.e., found on Page 20, lines 14, 18 and 25 the words "State Superintendent of Education," and by substituting in lieu thereof the words

Executive Director of the Alabama Association of School Boards.

Further amend by inserting in Section 20.g., found on Page 21, line 21, following the word "education," the words

Executive Director of AASB.

AMENDMENT TABLED

On motion of Rep. Browder, the amendment #2 offered by Rep. Bachus to the bill, H. 544 as amended, was tabled.

Yeas 64; Nays 23.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Black, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Goodwin, Grayson, Hall, Holley, Holmes, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, McNair, Marietta, Melton, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Reed, Richardson, Rogers, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Warren and White (L).

—64

Nays:

Reps. Bachus, Brooks, Coleman, Gaston, Gray, Grouby, Hammett, Harper, Harvey, Kvalheim, McKee, Mikell, Payne, Pratt, Rains, Rice, Sasser, Seibels, Starr, Turnham, Venable, White (G) and Zoghby.

—23

AMENDMENT OFFERED

Rep. Bachus offered the following amendment #3 to the bill, H. 544 as amended:

On page 5, in Section 6, on line 12 delete the language "react to" and insert in lieu thereof:

approve

AMENDMENT TABLED

On motion of Rep. Browder the amendment #3 offered by Rep. Bachus to the bill, H. 544 as amended, was tabled.

Yeas 61; Nays 15.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Blake, Blakeney, Boles, Brakefield, Britnell, Browder, Bryant, Bugg, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Goodwin, Hammett, Harvey, Holley, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, McDowell, Marietta,

Martin, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Poole, Preuitt, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (L) and Zoghby.

—61

Nays:

Reps. Bachus, Brooks, Gaston, Gray, Grouby, Hooper, Kvalheim, McKee, Mikell, Payne, Pratt, Sasser, Seibels, Starr and Turnham.

—15

AMENDMENT OFFERED

Rep. Bachus offered the following amendment #4 to the bill, H. 544 as amended:

On page 4, on line 16, delete the word "Fifteen" and insert in lieu thereof:

Seven

On page 4, on line 21, after the word "associations." insert the following:

Four of the members shall be appointed from the membership of the Alabama Association of School Boards. Three of the members shall be appointed from the Board of Directors of the Alabama Congress of Parent Teachers. One of the members shall be appointed from the membership of the Alabama Federation of Teachers (Alabama membership of the American Federation of Teachers).

AMENDMENT TABLED

On motion of Rep. Browder, the amendment #4 offered by Rep. Bachus to the bill, H. 544 as amended, was tabled.

Yeas 54; Nays 32.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Blake, Blakeney, Boles, Brakefield, Britnell, Browder, Bryant, Bugg, Buskey (John), Campbell, Clark (D), Clark (W), Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Goodwin, Grayson, Holley, Holmes, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, Martin, Melton, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Preuitt, Reed, Richardson, Rogers, Spratt, Starkey, Tanner, Thomas, Trammell, Warren and White (L).

—54

Nays:

Reps. Bachus, Box, Brooks, Butler, Carter, Clark (J), Coleman, Cosby, Gaston, Gray, Grouby, Hall, Hammett, Harvey, Hooper, Kvalheim, McKee, McNair,

Mikell, Payne, Pratt, Rains, Rice, Sasser, Seibels, Starr, Turner, Turnham, Venable, White (F), White (G) and Zoghby.

—32

AMENDMENT OFFERED

Rep. Cosby offered the following amendment to the bill, H. 544 as amended:

Amend Ways and Means Substitute to H. 544 by inserting a new Section 25 on Page 22, and by renumbering all subsequent sections:

Section 25. Local Obligation. No local board of education shall be obligated to promote an employee under provisions of this Act, nor to provide salary increases unless the legislature shall appropriate funds sufficient for that purpose. The legislature considers the Alabama Performance-Based Career Incentive Program to be a state program that should be financed fully by state appropriations for state funded teacher units and those under the Alabama Minimum Program.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 99; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—99

AMENDMENT OFFERED

Rep. Box offered the following amendment #1 to the bill, H. 544 as amended:

Amend H. B. 544, as last substituted, as follows:

On page 13, Section 12 (e) (2), line 3, after the word service and before the semicolon, add the words immediately preceding the year for which change to Master Teacher level is sought

On page 13, Section 13 (a) (3), line 35, strike ~~completion~~ and insert in lieu thereof the words complete an

On page 9, Section 9 (b), line 12, strike ~~ust~~ and insert in lieu thereof must

On page 10, Section 10 (c) (2), line 37, strike ~~the~~ and insert in lieu thereof any

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 93; Nays 0.

Yeas:

Mr. Speaker, Albright, Bachus, Beasley, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Holley, Holmes, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—93

AMENDMENT OFFERED

Rep. Box offered the following amendment #2 to the bill, H. 544 as amended:

Amend H. B. 544, as last substituted, as follows:

On page 12, Section 12 (c) (3), lines 16 and 17, strike all of said lines and insert in lieu thereof the following:

3. Receive an overall rating of excellent performance during the year immediately preceding the year for which change to Professional I teacher level is sought;

AMENDMENT TABLED

On motion of Rep. Browder, the amendment #2 offered by Rep. Box to the bill, H. 544 as amended, was tabled.

Yeas 66; Nays 25.

Yeas:

Mr. Speaker, Albright, Beasley, Biddle, Black, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Dutton, Escott, Faulk, Ford, Goodwin, Hall, Harvey, Hettinger, Holley, Holmes, Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, McDowell, Martin, Mathis, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Warren and White (F).

—66

Nays:

Reps. Bachus, Box, Brooks, Cosby, Gaston, Grouby, Hammett, Harper, Hooper, Johnson (RG), Kvalheim, McKee, McMillan, Marietta, Mikell, Payne, Penry, Rains, Sasser, Seibels, Starr, Turner, Turnham, White (G) and Zoghby.

—25

AMENDMENT OFFERED

Rep. Box offered the following amendment #3 to the bill, H. 544 as amended:

On page 4, delete lines 16 through 22 in their entirety and substitute in lieu thereof the following:

Fifteen of the members shall be public school teachers and shall be elected by popular vote of school teachers in the state in the following manner: one (1) member shall be elected from each of the eight school board districts and seven (7) members shall be elected at large; fifteen of the members shall be appointed by the State Superintendent of Education from any of the following groups: local school superintendents, principals, supervisors, lay public, business and industry, labor, and parents and teachers associations. Any vacancies that occur after the original appointment shall be filled by either appointment or popular vote from the constituency in which the vacancy occurred.

On page 4, line 24, delete the word "appointed" and insert in lieu thereof:

either elected or appointed, whichever the case may be.

AMENDMENT TABLED

On motion of Rep. Browder, the amendment #3 offered by Rep. Box to the bill, H. 544 as amended, was tabled.

Yeas 67; Nays 29.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Biddle, Black, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Goodwin, Grayson, Harvey, Holley, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, McDowell, Martin, Mathis, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Warren, White (F) and White (L).

—67

Nays:

Reps. Bachus, Box, Brooks, Cosby, Gaston, Gray, Grouby, Hall, Hammett, Harper, Hettinger, Hooper, Kvalheim, McKee, McMillan, Marietta, Mikell,

Payne, Penry, Rains, Rice, Sasser, Seibels, Starr, Turner, Turnham, Venable, White (G) and Zoghby.

—29

AMENDMENT OFFERED

Rep. Box offered the following amendment #4 to the bill, H. 544 as amended:

Amend H. B. 544, as last substituted, as follows:

On page 4, Section 5 (a), lines 10-12, ~~strike three of whom must be classroom teachers and two of whom must be elementary/secondary school administrators.~~ and insert in lieu thereof the following: all of whom must be parents of elementary or secondary students in public schools of Alabama and none of whom may be employed in the education field.

AMENDMENT TABLED

On motion of Rep. Browder, the amendment #4 offered by Rep. Browder to the bill, H. 544 as amended, was tabled.

Yeas 60; Nays 34.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (John), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Goodwin, Grayson, Harvey, Hettinger, Holley, Holmes, Johnson (Roy), Junkins, Laird, Lauderdale, McDowell, Martin, Mathis, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Poole, Richardson, Rogers, Spratt, Starkey, Thomas, Trammell, Warren and White (L).

—60

Nays:

Reps. Bachus, Box, Brooks, Coburn, Cosby, Gaston, Gray, Grouby, Hammett, Harper, Hooper, Johnson (RG), Kennedy, Kvalheim, McKee, McMillan, Marietta, Mikell, Payne, Penry, Pratt, Preuitt, Rains, Rice, Seibels, Smith, Starr, Tanner, Turner, Turnham, Venable, White (F), White (G) and Zoghby.

—34

AMENDMENT OFFERED

Rep. Box offered the following amendment #5 to the bill, H. 544 as amended:

On page 23, on line 32 insert the following new Section 29 and renumber the present Section 29 and subsequent sections accordingly.

Section 29. An appraisal and evaluation pilot program is hereby established which shall be administered by the state superintendent of education. Said program shall be implemented at the beginning of the next school year. The state superintendent of education shall develop various types of teacher appraisal and evaluation plans which shall be implemented in between five and ten different school systems in the state. The superintendent shall select

the number of systems and which systems shall participate. In selecting said systems the superintendent shall attempt to select systems which are representative of various types of systems in the state. The systems selected should reflect such characteristics as differences in racial composition, economic status of the community, local tax and monetary support and number of students. All implementation dates specified in this act shall be delayed one school year until this pilot program has been completed. The superintendent shall report the results of the pilot program and his recommendations to the next regular session of the legislature.

AMENDMENT TABLED

On motion of Rep. Browder, the amendment #5 offered by Rep. Box to the bill, H. 544 as amended, was tabled.

Yeas 62; Nays 32.

Yeas:

Mr. Speaker, Adams, Albright, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (John), Campbell, Carothers, Carter, Clark (D), Clark (J), Crow, Davis, Dutton, Escott, Faulk, Ford, Goodwin, Harvey, Holley, Holmes, Johnson (RG), Johnson (Roy), Junkins, Laird, Lauderdale, Lindsey, McDowell, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Poole, Preuitt, Reed, Richardson, Rogers, Spratt, Starkey, Tanner, Trammell, Venable, Warren, White (F) and White (L).

—62

Nays:

Reps. Bachus, Beasley, Box, Brooks, Butler, Clark (W), Cosby, Gaston, Gray, Grouby, Hall, Hammett, Harper, Hooper, Kennedy, Kvalheim, McKee, McMillan, McNair, Mikell, Payne, Penry, Rains, Rice, Seibels, Smith, Starr, Thomas, Turner, Turnham, White (G), and Zoghby.

—32

AMENDMENT OFFERED

Rep. McMillan offered the following amendment #1 to the bill, H. 544 as amended:

Amend the Substitute to HB 544 on page 22, Section 22 by adding the following paragraph on line 10:

Nothing herein shall limit the right of a teacher or local board to use any evaluations in cases under the provisions of the Alabama teacher tenure law.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 89; Nays 2.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Cosby, Crow, Davis, Escott,

REGULAR SESSION
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Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—89

Nays: Reps. Albright and Dutton.

—2

AMENDMENT OFFERED

Rep. McMillan offered the following amendment #2 to the bill, H. 544 as amended:

Amend the Substitute to HB 544 on page 4, Section 5, lines 4 through 22 by striking sub-section a. in its entirety and substituting in lieu thereof the following:

a. There is hereby created a Working Committee of the commission which shall be appointed in accordance with this act and which shall have completed its operational activities by July 1, 1987. The Working Committee shall devise an appraisal program consistent with the provisions of this act. The Committee will consist of 45 members.

Fifteen members shall be appointed by the Governor and selected from lists of ten persons to be submitted by each of the following organizations: Alabama Chamber of Commerce, Associated Industries of Alabama, Alabama Farm Bureau Federation, and American Federation of Labor-Congress of Industrial Organizations.

Fifteen of the members shall be public school teachers and appointed by the Governor and selected from a list of ten persons to be submitted by each of the following organizations: Alabama Education Association, Alabama State Federation of Teachers, and other organizations representing persons in the teaching profession. At least five of these appointees shall be members of organizations representing the teaching profession who are not also members of the Alabama Education Association.

Fifteen of the members shall be appointed by the Governor from a list of ten persons each submitted by each of the boards of directors of the following groups: Alabama Association of School Boards, Alabama Council for School Administration and Supervision, and Alabama Congress of Parents and Teachers.

There shall be at least 5 members from each of the congressional districts in the State. Each of the nominating organizations shall submit the name of at least one person who is a racial minority and at least nine of the Governor's appointees to the Working Committee shall be members of a racial minority.

The Governor shall appoint the chair and vice chair of the Working Committee from the total membership of the Committee.

Any vacancies that occur after the original appointment shall be filled by appointment from the constituency in which the vacancy occurred.

Further amend on page 4, sub-section b., line 29 by striking the figure ~~12~~ and substituting in lieu thereof the figure 20

AMENDMENT TABLED

On motion of Rep. Browder, the amendment #2 offered by Rep. McMillan to the bill, H. 544 as amended, was tabled.

Yeas 56; Nays 44.

Yeas:

Mr. Speaker, Albright, Biddle, Blake, Blakeney, Boles, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (John), Campbell, Carothers, Clark (D), Clark (W), Coburn, Crow, Davis, Dutton, Ford, Goodwin, Grayson, Holley, Holmes, Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, Marietta, Martin, Mathis, Melton, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Poole, Reed, Rogers, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Warren and White (L).

—56

Nays:

Reps. Adams, Bachus, Beasley, Bowling, Box, Brooks, Buskey (James), Butler, Carter, Clark (J), Coleman, Cosby, Faulk, Fuller, Gaston, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Kvalheim, McKee, McMillan, Mikell, Mitchell, Payne, Penry, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Starr, Turnham, Venable, White (F), White (G) and Zoghby.

—44

AMENDMENT OFFERED

Rep. Turnham offered the following amendment to the bill, H. 544 as amended:

Amend House Bill 544 by adding a new Section 23 as follows and renumbering subsequent sections:

“Nothing contained herein shall in any way alter the traditional division of funding between the primary and secondary (K-12) grades and postsecondary education. It is the intent of the Legislature that this traditional division be maintained and the provisions of this Act be implemented from those funds traditionally available for Kindergarten through the 12th grade.”

AMENDMENT TABLED

On motion of Rep. Browder, the amendment offered by Rep. Turnham to the bill, H. 544 as amended, was tabled.

Yeas 65; Nays 20.

Yeas:

Reps. Adams, Albright, Bachus, Biddle, Blake, Blakeney, Boles, Bowling, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Dutton, Escott, Ford, Fuller, Goodwin, Gray, Hall, Harper, Harvey, Holmes, Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey,

REGULAR SESSION
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McDowell, McNair, Marietta, Martin, Mathis, Melton, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Richardson, Smith, Spratt, Tanner, Thomas, Trammell, Warren, White (F) and Zoghby.

—65

Nays:

Reps. Box, Carothers, Gaston, Hettinger, Holley, Hooper, Johnson (RG), Kvalheim, McMillan, Mitchell, Pratt, Rains, Rice, Rogers, Sasser, Seibels, Starkey, Turner, Turnham and White (L).

—20

AMENDMENT OFFERED

Rep. Turnham offered the following amendment #2 to the bill, H. 544 as amended:

Amend House Bill 544 by adding a new Section 23 as follows and renumbering subsequent sections:

“Nothing contained herein shall in any way alter the traditional division of funding between the primary and secondary (K-12) grades and postsecondary education. It is the intent of the Legislature that this traditional division, to be defined as an average yearly percentage of the total funds appropriated from the Special Education Trust Fund to the junior colleges, technical college system and four-year universities for the past three years, be maintained and the provisions of this Act be implemented from those funds traditionally available for Kindergarten through the 12th grade.”

AMENDMENT TABLED

On motion of Rep. Browder, the amendment #2 offered by Rep. Turnham to the bill, H. 544 as amended, was tabled.

Yeas 64; Nays 16.

Yeas:

Reps. Adams, Albright, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Dutton, Escott, Ford, Goodwin, Gray, Grayson, Hammett, Harper, Harvey, Holley, Holmes, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, McNair, Marietta, Martin, Mathis, Melton, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Poole, Preuitt, Richardson, Smith, Spratt, Tanner, Thomas, Trammell, Venable, Warren and Zoghby.

—64

Nays:

Reps. Beasley, Box, Carothers, Grouby, Hettinger, Payne, Pratt, Rains, Rice, Rogers, Sasser, Seibels, Starkey, Turner, Turnham and White (L).

—16

AMENDMENT OFFERED

Rep. Turnham offered the following amendment #3 to the bill, H. 544 as amended:

Amend House Bill No. 544, Page 22, beginning on Line 29, by striking out Section 25 in its entirety and inserting in lieu thereof a new Section 25 to read as follows:

Section 25. Notwithstanding other provisions of this Act, Phase II of the Alabama Performance-Based Career Incentive Program Act shall not

take effect until the working committee has completed the development of the appraisal program and the first year of the evaluations has been completed in all local school systems. The State Superintendent of Education shall compile by local school system the results of the evaluations done and shall submit such information to the Governor, the Alabama Legislature, and the State Board of Education. Further, the Governor shall determine that sufficient funds are available for both the funding of Phase II of this program and all other phases of education, giving attention to the traditional division of moneys, before recommending a budget to the Legislature and the Legislature must determine, giving attention to the traditional division of moneys, that sufficient funds are available for the implementation of Phase II of this program. The failure of the Governor to affirmatively recommend or the Legislature to appropriate necessary funds shall preclude implementation of Phase II of this program until such action as described in this section shall have been taken by the Governor and the Legislature.

AMENDMENT TABLED

On motion of Rep. Browder, the amendment #3 offered by Rep. Turnham to the bill, H. 544 as amended, was tabled.

Yeas 66; Nays 17.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Cosby, Crow, Davis, Dutton, Escott, Faulk, Fuller, Gaston, Goodwin, Gray, Grayson, Hall, Hammett, Harvey, Holley, Holmes, Johnson (Roy), Jenkins, Kennedy, Laird, Lauderdale, McDowell, McNair, Marietta, Martin, Mathis, Melton, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Poole, Spratt, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F) and Zoghby.

—66

Nays:

Reps. Beasley, Box, Carothers, Grouby, Hettinger, Johnson (RG), Mitchell, Pratt, Rains, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Turnham and White (L).

—17

AMENDMENT OFFERED

Rep. Rice offered the following amendment #1 to the bill, H. 544 as amended:

Amend Ways and Means Substitute to H. 544 by deleting in Section 20.c., found on Page 20, line 3, the words "placed on probation or."

Further amend by deleting Section 20.d., found on Page 20, and by relettering subsequent subsections.

AMENDMENT TABLED

On motion of Rep. Browder, the amendment #1 offered by Rep. Rice to the bill, H. 544 as amended, was tabled.

Yeas 51; Nays 32.

Yeas:

Mr. Speaker, Adams, Biddle, Blake, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Buskey (John), Campbell, Carothers, Clark (D), Clark (W), Crow, Davis, Dutton, Escott, Faulk, Fuller, Goodwin, Holley, Holmes, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, Mathis, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Poole, Rogers, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Warren, White (L) and Zoghby.

—51

Nays:

Reps. Bachus, Beasley, Brooks, Butler, Clark (J), Coleman, Cosby, Gaston, Gray, Grouby, Hall, Hammett, Harper, Hooper, Kvalheim, McKee, McMillan, Melton, Mikell, Payne, Penry, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Starr, Venable and White (G).

—32

AMENDMENT OFFERED

Rep. Rice offered the following amendment #2 to the bill, H. 544 as amended:

AMENDMENT TO SUBSTITUTE TO H. 544

Amend substitute to H. 544 by deleting in Section 5. a., found on Page 4, lines 16 and 17, the sentence beginning with the word "fifteen" and ending with the word "Association;" and by substituting in lieu thereof the following:

Fifteen of the members shall be public school teachers who shall be selected as follows: each local school board shall provide for the teachers employed by that board to conduct an election to elect one teacher, whose name shall be forwarded to the State Superintendent of Education. From the names so submitted, the State Superintendent of Education shall select 15 teachers for membership on the Working Committee.

AMENDMENT TABLED

On motion of Rep. Holley, the amendment #2 offered by Rep. Rice to the bill, H. 544 as amended, was tabled.

Yeas 58; Nays 30.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (John), Campbell, Carothers, Carter, Clark (D), Clark (W), Crow, Davis, Dutton, Escott, Faulk, Ford, Goodwin, Grayson, Harvey, Holley, Holmes, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, McDowell, Marietta, Martin, Mathis, Melton, Mitchell, Newman, Newton, Nicholson, Parker, Perdue, Poole, Richardson, Rogers, Spratt, Starkey, Tanner, Thomas, Trammell, Turner and Warren.

—58

Nays:

Reps. Bachus, Brooks, Butler, Clark (J), Coleman, Cosby, Gaston, Grouby, Hammett, Harper, Hooper, Kvalheim, McKee, McMillan, Mikell, Onderdonk, Payne, Penry, Pratt, Preuitt, Rains, Rice, Sasser, Seibels, Smith, Starr, Venable, White (F), White (G) and Zoghby.

—30

AMENDMENT OFFERED

Rep. Rice offered the following amendment #3 to the bill, H. 544 as amended:

AMENDMENT TO WAYS AND MEANS SUBSTITUTE TO H. 544

Amend Ways and Means Substitute to H. 544 by deleting wherever it appears the word "excellent" as used as a performance standard, and by inserting in lieu thereof the words clearly outstanding.

AMENDMENT TABLED

On motion of Rep. Holley, the amendment #3 offered by Rep. Rice to the bill, H. 544 as amended, was tabled.

Yeas 65; Nays 18.

Yeas:

Mr. Speaker, Adams, Blake, Blakeney, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (John), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Goodwin, Grayson, Hammett, Harper, Harvey, Holley, Holmes, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, McDowell, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Poole, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Venable, White (L) and Zoghby.

—65

Nays:

Reps. Beasley, Cosby, Gaston, Grouby, Kvalheim, McKee, McMillan, Mikell, Payne, Pratt, Preuitt, Rains, Rice, Sasser, Seibels, Starr, Turnham and White (G).

—18

AMENDMENT OFFERED

Rep. Zoghby offered the following amendment to the bill, H. 544 as amended:

On page 4, line 8, delete the figure "35" and insert in lieu thereof:

On page 4, lines 10 through 22, delete all the language and insert in lieu thereof:

One member of the committee shall be appointed by the Governor. The Governor may choose a classroom teacher or an elementary/secondary administrator. The Governor shall appoint the chair and vice chair of the working committee from the membership of the committee.

Seven of the members, one from each Congressional District, shall be public school teachers and appointed by the Executive Secretary of the Alabama Education Association; seven of the members, one from each Congressional District shall be appointed by the State Superintendent of Education from any of the following groups: local school superintendents, principals, supervisors, lay public, business and industry and parents and teachers associations. Any vacancies that occur after the original appointment shall be filled by appointment from the constituency in which the vacancy occurred.

AMENDMENT TABLED

On motion of Rep. Browder, the amendment offered by Rep. Zoghby to the bill, H. 544 as amended, was tabled.

Yeas 46; Nays 43.

Yeas:

Mr. Speaker, Adams, Albright, Blakeney, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Buskey (John), Campbell, Clark (D), Clark (W), Crow, Davis, Dutton, Escott, Ford, Goodwin, Grayson, Hall, Holley, Holmes, Johnson (Roy), Junkins, Laird, Lauderdale, Lindsey, McDowell, Martin, Mathis, Melton, Moore, Newman, Newton, Nicholson, Parker, Perdue, Poole, Rogers, Smith, Spratt, Starkey, Thomas and Warren.

—46

Nays:

Reps. Bachus, Beasley, Brooks, Butler, Carothers, Carter, Clark (J), Coleman, Cosby, Faulk, Flowers, Fuller, Gaston, Gray, Hammett, Harper, Harvey, Hettinger, Johnson (RG), Kennedy, Kvalheim, McKee, McMillan, Marietta, Mikell, Mitchell, Onderdonk, Payne, Penry, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Starr, Tanner, Turner, Turnham, Venable, White (G) and Zoghby.

—43

AMENDMENT OFFERED

Rep. Rice offered the following amendment #4 to the bill, H. 544 as amended:

Amend House Bill 544 as Substituted and Amended, Section 18, page 18, line 8, after the word "planned" by striking ~~and scheduled~~

Further amend page 18, line 11, after the period by striking ~~At least one (1) appraisal shall be conducted each semester.~~ and substituting in lieu thereof the following: At least one (1) appraisal per teacher shall be conducted each semester during a week to be arranged by the teacher and evaluator.

AMENDMENT TABLED

On motion of Rep. Browder, the amendment #4 offered by Rep. Rice to the bill, H. 544 as amended, was tabled.

Yeas 55; Nays 39.

Yeas:

Mr. Speaker, Adams, Albright, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Buskey (John), Campbell, Carter, Clark (D), Clark (W), Crow, Davis, Dutton, Escott, Ford, Fuller, Goodwin, Grayson, Harvey, Holley, Holmes, Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, Martin, Mathis, Melton, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Poole, Rogers, Spratt, Tanner, Thomas, Trammell, Turner, Warren, White (F) and White (L).

—55

Nays:

Reps. Bachus, Beasley, Brooks, Burke, Clark (J), Coleman, Cosby, Faulk, Flowers, Gaston, Gray, Grouby, Hall, Hammett, Harper, Hettinger, Hooper, Johnson (R.G.), Kvalheim, McKee, McMillan, Marietta, Mikell, Payne, Penry, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Turnham, Venable, White (G) and Zoghby.

—39

And the bill:

H. 544. Providing for the development and establishment of an incentive-based pay plan for the teachers of the public schools of Alabama; provides career incentives for public school teachers; initiating a program of performance appraisal; establishing salary progressions for education personnel; and providing for the implementation of this act.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 68; Nays 35.

Yeas:

Mr. Speaker, Adams, Albright, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (John), Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Goodwin, Grayson, Harper, Harvey, Hettinger, Holmes, Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, Marietta, Martin, Mathis, Melton, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Reed, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Warren, White (F), White (L) and Zoghby.

—68

Nays:

Reps. Bachus, Beasley, Box, Brooks, Buskey (James), Butler, Carothers, Coleman, Cosby, Flowers, Gaston, Gray, Grouby, Hall, Hammett, Holley,

Hooper, Johnson (RG), Kvalheim, McKee, McMillan, McNair, Mikell, Mitchell, Payne, Pratt, Preuitt, Rains, Rice, Sasser, Seibels, Starr, Turnham, Venable and White (G).

—35

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and sends same herewith to the House:

By Senator Ellis:

S. 15. To amend Section 40-10-133 of the Code of Alabama 1975, relating to notice to former owner of application to purchase land bid in by state for delinquent taxes so as to provide further for procedures for such notice.

Also:

By Senators Goodwin, Teague, Corbett, Bishop, Menton, Little, Bennett and Hand:

S. 87. To amend Sections 40-18-15 and 40-18-35 of the Code of Alabama 1975, relating to state income tax deductions for individuals and corporations, so as to provide further for such deductions.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 15 Judiciary.

S. 87 Ways and Means.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Pratt:

H. J. R. 139. DESIGNATING APRIL 4, 1985, AS "PLEASANT GROVE HIGH SCHOOL CHEERLEADERS DAY" IN ALABAMA.

WHEREAS, previously commended by the Legislature are the Pleasant Grove High School cheerleaders who placed first in rankings in Southeastern Regional Cheerleading Competition in Saint Petersburg, Florida; and

WHEREAS, by virtue of said championship, the Pleasant Grove squad participated in the National High School Cheerleading Association Competition in Orlando, Florida, March 2 and 3, 1985; and

WHEREAS, we are most pleased to note that, in contention with 36 squads from throughout the United States, the Pleasant Grove High School cheerleaders placed sixth in national rankings; and

WHEREAS, this outstanding and award-winning cheerleading squad, under the sponsorship of Miss Dottie Cole, includes: seniors Kim Evans (captain), Faith Posey and Beth Hutchins; juniors Kim Clay, Crystal Carlisle and Jamie Richards; sophomores Sharon Hutchins, Kathryn Rector and Kim Wheeler, and Freshmen Sherri Crumpton, Ginger Neugent, Stephanie Mobley, Jennifer McDonald, Ann Woodruff, Jill Latta and Vicki Blackwell; and

WHEREAS, in commendation of their accomplishments and in gratitude for the fame and honor the Pleasant Grove High School cheerleaders have brought to our State, it is entirely fitting and proper that they be appropriately honored; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate April 4, 1985, as "Pleasant Grove High School Cheerleaders Day" in Alabama.

BE IT FURTHER RESOLVED, That in token of this honorary designation of the Legislature, copies of this resolution shall be presented to Miss Cole and to the nationally-ranked Pleasant Grove cheerleaders.

On motion of Rep. Pratt, the rules were suspended and the resolution, H. J. R. 139, was adopted.

Also:

By Rep. Carter:

H. J. R. 140. COMMENDING THE ATHENS STATE BEARS BASKETBALL TEAM.

WHEREAS, the Legislature of the State of Alabama has noted with great pride that the Athens State Bears have earned the Southern States Conference Champions title with their outstanding 8-2 record and captured the NAIA District 27 Championship with an envious 10-2 record; and

WHEREAS, The "Bears'" outstanding record has won them a place in the NAIA National Tournament, on March 13-19, in Kansas City, Missouri, which will bring further national recognition for Coach Harold Murrell and his "Bears"; and

WHEREAS, the Athens State Bears finished their 1984-85 season with a record 20 wins and 7 losses and have won the WZYP Invitational and were the runner-up in Southern States Conferences; and

WHEREAS, the leadership provided by Coach Murrell and his staff and the outstanding performance and sportsmanship by the Athens State players serves as an inspiration to many; and

WHEREAS, the performance of the Athens State Bears in national competition brings pride and honor to Athens State College and to us all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Coach Harold Murrell and his staff and all the members of the Athens State Bears on their many achievements and further wish them good luck and success in their future competition.

BE IT FURTHER RESOLVED, That copies of this Resolution be sent to Coach Murrell, the team and a copy to be appropriately displayed at the college, so that they may know of our high regard and best wishes.

On motion of Rep. Carter, the rules were suspended and the resolution, H. J. R. 140, was adopted.

Also:

By Rep. McNair:

H. J. R. 141. EXPRESSING THE LEGISLATURE'S CONFIDENCE IN THE SECURITY OF DEPOSITS IN ALABAMA BANKS AND OTHER STATE DEPOSITORY INSTITUTIONS.

WHEREAS, within the past several years there have been a number of failures of banks and/or other savings institutions in several states, causing nationwide concern regarding the safety of deposits in like institutions; and

WHEREAS, in the vast majority of cases, however, depositors have suffered no monetary loss whatsoever as their funds were insured by an agency of the federal government; and

WHEREAS, moreover, the states which have experienced such failures are those principally in the midwest, southwest and western states, and involving institutions heavily extended in such areas as agricultural loans and in oil and energy and real estate speculation; and

WHEREAS, one recent and notable exception is the collapse of one of the largest savings banks in the State of Ohio, a failure which has also affected some 70 other Ohio institutions which are insured by a state insurance fund that is threatened by depletion due to this sizable loss; this situation involves comparatively few Ohio banks as most are federally insured; and

WHEREAS, in the State of Alabama, however, there are no depository institutions—i.e., banks, savings and loan associations, or credit unions—operating without federal insurance by F.D.I.C., F.S.L.C. or N.C.U.A.; a condition of charter by the State Department of Banking requires this insurance and there are no exceptions; and

WHEREAS, such rigidity of regulation by the Department of Banking is the primary safety factor of depositors' funds in Alabama, and there need be no cause for citizens' concern for the security of their funds; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby and herein express complete and total confidence in the security of deposits, within insurance limits, placed in Alabama banks and other depository institutions, and would urge all Alabama residents to also remain confident in the sound financial condition of the banks, savings and loan associations and credit unions throughout our state.

On motion of Rep. McNair, the rules were suspended and the resolution, H. J. R. 141, was adopted.

Also:

By Reps. Harper, Marietta, Gaston, Kvalheim, Turner, Kennedy, Zoghby, Buskey (James) and Clark (W):

H. J. R. 142. COMMENDING ROBERT A. GUTHANS UPON HIS ELECTION AS PRESIDENT OF THE MOBILE AREA CHAMBER OF COMMERCE.

WHEREAS, the Alabama Legislature is pleased to note the election of Robert A. Guthans as president of the Mobile Area Chamber of Commerce by the chamber's board of directors; and

WHEREAS, a prominent Mobile business executive, Mr. Guthans is a native of the Port City, a graduate of Virginia Military Institute, and a United States Army Veteran whose active service as a commissioned officer included a tour of duty in Korea; and

WHEREAS, previously associated with Southern Industries as vice-president of the corporation's various subsidiaries, and with B. R. Dredging Company, Mr. Guthans was named president in 1973 of Midstream Fuel Service, Petroleum Energy Products Company and Tenn-Tom Towing, Inc.; and

WHEREAS, Mr. Guthans has held positions with a number of maritime organizations and is a member of the Propeller Club, Western Dredging Association and the Society of Naval Architects and Marine Engineers; he further has been active as a director in the Navy League of Mobile and Junior Achievement of Mobile, Inc.; and

WHEREAS, though all members of the Legislature are sincere in their best wishes for his successful term as chamber president, the Mobile Delegations, both House and Senate, most particularly look forward to working with Mr. Guthans and the chamber in a new spirit of harmony and mutual benefit, and are eager to be of assistance in all matters of importance to the Mobile area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend and congratulate Robert A. Guthans of Mobile, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

On motion of Rep. Harper, the rules were suspended and the resolution, H. J. R. 142, was adopted.

Also:

By Reps. Moore, Holley, Tanner and Smith:

H. J. R. 143. COMMENDING DR. LEON DAVIS OF THE UNIVERSITY OF MONTEVALLO.

WHEREAS, the Legislature of Alabama, in highest commendation, congratulates Dr. Leon Davis, University of Montevallo men's athletic director, upon his induction into the National Association of Inter-collegiate Athletics Hall of Fame, March 19, 1985, during ceremonies at the association's national convention in Kansas City; and

WHEREAS, as the recipient of the Hall of Fame Award, the association's highest honor, Dr. Davis was recognized for meritorious service in NAIA administration; and

WHEREAS, Dr. Davis served the NAIA as national president in 1982-83, having previously served on the District 27 executive committee and as the committee's chairman for six years; he then served a four-year term as a member of the NAIA national executive committee and one term each as fourth, third, second and first vice-president; and

WHEREAS, a native of Elba, Alabama, Dr. Davis is a graduate of Mississippi Gulf Coast Junior College and of Troy State University with

the B. S. degree; he also holds the M. Ed. degree from Auburn University and the Ed. D. degree from the University of Alabama; and

WHEREAS, Dr. Davis, in association with the University of Montevallo since 1963, has served as assistant professor, as the school's first basketball coach and, since 1969, in his prestigious position as athletic director and as Montevallo's golf coach as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation of Dr. Leon Davis of the University of Montevallo; we further congratulate Dr. Davis as the recipient of NAIA's Hall of Fame Award and direct that he receive a copy of this resolution in token of our esteem.

On motion of Rep. Moore, the rules were suspended and the resolution, H. J. R. 143, was adopted.

MOTION TO ADJOURN

Rep. Johnson (Roy) offered the motion that when the House adjourns today, it adjourns to meet again at 1:00 o'clock p.m. Tuesday, March 26, 1985.

SUBSTITUTE MOTION ADOPTED

The substitute motion offered by Rep. Penry that when the House adjourns today it adjourns to meet again at twelve o'clock noon, Tuesday, March 26, 1985, was adopted.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Bryant:

H. R. 144. COMMENDING THE ROBERT C. HATCH HIGH SCHOOL BOBCATS ON THEIR STATE 3A BASKETBALL CHAMPIONSHIP.

Also:

The following resolutions were introduced:

By Reps. Rains and Coleman:

H. J. R. 145. COMMENDING J. P. "JIMMY" GARVIN, JR., OF ALBERTVILLE, ALABAMA.

WHEREAS, Mr. J. P. "Jimmy" Garvin, Jr., has been a resident of Albertville, Alabama, since 1946, arriving in the Sand Mountain area during a time of a greatly depressed economy due to the devastation of the cotton crop, the mainstay of the local farm economy; and

WHEREAS, Mr. Garvin, realizing the possibilities of commercial broiler production, encouraged local farmers to enter the poultry business and, as a result of his leadership, the broiler industry has become Northeast Alabama's dominant industry, bringing with it a vast complex of agribusiness concerns—all of which truly revolutionized the economy of the entire region; and

WHEREAS, he also helped foster the development of the commercial egg business in the area, and he served on the first Alabama Egg Council; and

WHEREAS, Mr. Garvin was further instrumental in organizing the Alabama Poultry and Egg Association and held top offices in this and most of the other state, regional and national poultry organizations for many years; and

WHEREAS, among Jimmy Garvin's greatest achievements was his development of a new plastic chick box which is sold all over the world, and he also helped develop a revolutionary pullet feeding system—the "skip-a-day system"—which is widely used throughout the industry; and

WHEREAS, in addition to his leadership in the poultry industry, Mr. Garvin is active in community affairs, as well as in other business pursuits, and in February 1985, retired from the board of directors of Albertville National Bank after 13 years distinguished service; and

WHEREAS, Mr. Garvin, who is a member of the Alabama Poultry Hall of Fame is "A True Pioneer in the Alabama Poultry Industry," and we join all citizens throughout Alabama in gratitude for his contributions to this vital state industry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend J. P. "Jimmy" Garvin, Jr., for outstanding leadership in the poultry industry and direct that he receive a copy of this resolution, tendered in deep admiration and highest esteem.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 145, was adopted.

Also:

By Reps. Rains and Coleman:

H. J. R. 146. CONGRATULATING MR. AND MRS. U. G. HAYNES ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the 60th Wedding Anniversary, December 28, 1984, of Mr. and Mrs. U. G. Haynes of Boaz, Alabama; and

WHEREAS, in the sight of God, U. G. (Tater) Haynes and his bride, Miss Ada King, were joined in wedlock on December 28, 1924, and these two fine people, forsaking all others, have remained in said Holy state for the past 60 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their wedding vows, setting an example to be emulated by all others who, in marriage, pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Haynes, who met while students at John H. Snead Seminary, have been members of Julia Street Methodist Church for more than 50 years and both are active in community affairs involving service on behalf of others; Mr. Haynes is a retired employee of the State Department of Agriculture, with 36 years service, and is a past president of Civitan and a member of Boaz Chamber of Commerce and other civic organizations;

WHEREAS, Mr. and Mrs. Haynes, though childless, count among their family, a number of very special nieces and nephews who, along with many friends, celebrated the Haynes' anniversary occasion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Boaz, Alabama, Mr. and Mrs. U. G. Haynes, and wish them many more happy years together in their union blessed by God and their marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. and Mrs. Haynes that they may know of our congratulations and warm best wishes for the future.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 146, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Rains and Coleman:

H. R. 147. COMMENDING BOBBY WEATHERS OF BOAZ, ALABAMA.

Also:

The following resolution was introduced:

By Reps. Rains and Coleman:

H. J. R. 148. COMMENDING ELZIE GRAY OF ASHBURY, ALABAMA.

WHEREAS, the Alabama Legislature expresses commendation of Elzie Gray of Ashbury, Alabama, for distinguished service to and support of United Rubber Workers; and

WHEREAS, Mr. Gray, who in 1935 was an employee of Goodyear Tire and Rubber Company of Gadsden, was a delegate to the founding convention of URW in Akron, Ohio, and signed the first union card for the original Federal Labor Union 18372 which later became United Rubber Workers, Local 12; and

WHEREAS, the 32nd International Convention of URW, held in October 1984 in Hollywood, Florida, marked the beginning of the union's 50th anniversary, and Mr. Gray, as one of only four remaining founding delegates, was recognized for outstanding service to URW; and

WHEREAS, it is further to be noted, that Mr. Gray also has been recognized for his efforts in the organization of the union at Goodyear Tire and Rubber in Gadsden; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Elzie Gray of Ashbury, Alabama, for his outstanding commitment to the labor movement and to the organization of United Rubber Workers.

BE IT FURTHER RESOLVED, That a copy of this resolution of commendation be forwarded to Mr. Gray.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 148, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Rains and Coleman:

H. R. 149. COMMENDING ELIZABETH COOPER OF SNEAD STATE JUNIOR COLLEGE.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Marietta:

H. 761. Establishing a state board of barber examiners and prescribing procedures for the licensing and practice of barbering and barber colleges; providing penalties for violations of the act; and repealing and superseding Sections 34-5-1 through 34-5-16, Code of Alabama 1975, which sections relate to the practice of barbering and its regulation.

Committee on Health.

By Reps. Faulk and Smith:

H. 762. To amend Section 9-8-22 of the Code of Alabama 1975, which establishes the State soil and water conservation committee, so as to change the geographical areas of the state from which certain members are appointed.

Committee on Natural Resources.

By Reps. Blakeney, McMillan, Hooper, and Penry:

H. 763. To create the Alabama Turkey Hunters Hall of Fame Board and Museum; to prescribe its purposes, membership and location; to provide for the appointment of its members and for the holding of meetings.

Committee on Natural Resources.

By Rep. Harvey:

H. 764. To amend Sections 11-96-1 and 11-96-3, Code of Alabama 1975, which relate to Community Action Agencies, so as to provide further for the appropriations to said agencies and to provide further for the definition of same.

Committee on State Administration.

By Rep. Holley:

H. 765. To provide for the creation of the Employment Security Commission to be designated as the lead agency for the state labor market information system for educational purposes, said commission to establish a framework for the collection, organization, and release of labor market information.

Committee on Ways and Means.

REGULAR SESSION
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By Rep. Richardson (With Notice and Proof):

H. 766. To provide that the governing body of Jackson County, Alabama, shall call an election in said county for the purpose of determining whether or not an additional excise tax on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage for any purpose whatsoever, gasoline or other liquid motor fuel or devices or substitutes therefor in said county shall be imposed; to provide for the collection and payment of such tax and to provide the distribution and the use of the funds derived therefrom; to authorize the governing body of such county to make reasonable rules and regulations for the collection of such tax, and to provide the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the governing body of such county for the collection of such tax.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 766, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Mitchell:

H. 767. To exempt the Association of Retarded Citizens of Alabama, Inc., and its affiliated units, not otherwise exempt, from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Reps. Smith and Grouby (With Notice and Proof):

H. 768. Relating to Chilton County, providing further for the compensation of the members of the board of registrars.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 768, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Albright:

H. 769. To establish a procedure for the selection of postsecondary presidents.

Committee on Education.

By Reps. Coleman, Bowling, Newman, and Junkins:

H. 770. To amend Sections 34-7-1, 34-7-2, 34-7-3, 34-7-4, 34-7-5, 34-7-9, 34-7-11, 34-7-16, 34-7-17, 34-7-19 and 34-7-40, Code of Alabama 1975, which provide for and regulate the practice of cosmetology, so as to provide further for said practice.

Committee on State Administration.

By Reps. Penry, McMillan, Harper, Kvalheim, Kennedy, Buskey (James), Zoghby, and Box:

H. 771. To regulate transient merchants, provide for licensing of said merchants and provide for penalties for violations.

Committee on Banking.

By Reps. Holley, Johnson (Roy), Thomas, White (F), Kennedy, McNair, Rogers, and Holmes:

H. 772. Relating to the state board of education; to create nine (9) new districts for members of the board, beginning with the 1986 general election; to provide for the election of and terms of office of members of the board; to provide for a procedure for the redistricting of the board after each federal decennial census; and to specifically supersede and repeal Section 16-3-1, Code of Alabama 1975.

Committee on Education.

By Rep. Smith and Poole:

H. 773. To empower railroad companies to test their employees that are involved in train operations for drug and alcohol and to provide that refusal to take or failure to pass any such test shall be grounds for dismissal or appropriate discipline.

Committee on Public Utilities and Transportation.

By Reps. Hettinger, Britnell, Ford, Kennedy, Sasser, Turnham, Payne, and Davis:

H. 774. To create the Commission on Two-Year College High Technology Education; to provide for the appointment, terms, powers and duties of its members; to provide for the purpose of the commission; to prescribe that recommendations shall be made to the legislature; to prescribe that members shall not receive any compensation but shall be reimbursed all actual and necessary expenses incident to their official business; and to provide for the conduct of the affairs of the commission.

Committee on Commerce and Industrial Development.

By Rep. Albright:

H. 775. To amend Section 40-9-13 of the Code of Alabama 1975, relating to certain tax exemptions, so as to provide further for such exemptions for certain activities of civic service clubs and organizations.

Committee on Ways and Means.

By Reps. Butler, Lauderdale, Carter, Brakefield, Smith, Payne, Lindsey, Warren, and White (F):

H. 776. To amend Section 40-12-248, Code of Alabama 1975, relating to license taxes and registration fees for trucks or truck tractors, so as to provide quarterly license taxes and registration fees for certain trucks used by farmers.

Committee on Ways and Means.

By Rep. Thomas (With Notice and Proof):

H. 777. Proposing an amendment to the Constitution of 1901, relating to additional ad valorem tax in Wilcox County.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 777, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Rains and McKee:

H. 778. To require all state and local elected public officers who receive compensation for holding office to resign their respective offices if they qualify to seek election to a different public office.

Committee on Constitution and Elections.

By Rep. Buskey (John):

H. 779. Proposing an amendment to Amendment No. 269 to the Constitution of Alabama of 1901 relating to a special property tax by counties or municipalities for library purposes, so as to provide further for said tax.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Bugg:

H. J. R. 150. MOURNING THE DEATH OF MISS RUTH INEZ CALLAN OF GADSDEN, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of Ruth Inez Callan of Gadsden, Alabama, on March 12, 1985, at the age of 84 years; and

WHEREAS, Miss Callan, who served as social worker for the Mobile Juvenile Court, was a pioneer in this field in the State of Alabama; she later was a child welfare representative for the Louisiana State Welfare Department, returning to Alabama after retirement to serve as a child welfare consultant for DeKalb County; and

WHEREAS, locally, Miss Callan was well known for her involvement in numerous civic, cultural and community organizations, and was a member and librarian of First United Methodist Church of Gadsden; and

WHEREAS, she also was a member of the boards of directors of the Gadsden Arts Council and the Gadsden Music Club, a member of the Etowah County Historical Society and the Antiquarian Society, and was a past regent and district chairman of James Gadsden Chapter of the DAR; and

WHEREAS, Miss Callan was indeed a prominent and beloved member of her community; her death has left a deep void in the hearts of her family and in the lives of all those privileged to know her as a gracious and generous lady whose concern was always for others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Inez Ruth Callan of Gadsden, Alabama, and extend our very deepest sympathy to her sisters, Helen and Nan Callan; brothers, William B. and Thomas E. Callan; and to other family members whose sorrow we share and for whom a copy of this resolution shall be provided.

On motion of Rep. Bugg, the rules were suspended and the resolution, H. J. R. 150, was adopted.

Also:

By Rep. Onderdonk:

H. J. R. 151. MOURNING THE DEATH OF CURTIS MELVIN LOPER OF CHATOM, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the untimely death of Curtis Melvin Loper of Chatom, Alabama, on February 28, 1985, at the early age of just 54 years; and

WHEREAS, a native of Jordan and a graduate of Washington County High School, Mr. Loper was a United States Army veteran and was a prominent South Alabama banker who was associated for the past 14 years with Chatom State Bank, serving as president at the time of his death; and

WHEREAS, Mr. Loper, in professional leadership with the banking industry, was district counselor of the Independent Bankers Association of Alabama; and

WHEREAS, he also was a director of Clarke-Washington Electric Membership Corporation and Alabama Electric Cooperative, secretary-treasurer of the Washington County Democratic Executive Committee, a member and past director of the Washington County Cattlemen's Association and was active in numerous other of the civic and charitable affairs within the community including the Boy Scouts, United Way, 4-H Foundation and the American Red Cross; and

WHEREAS, Mr. Loper's involvements extended to include service as moderator of the Washington County Baptist Association for 15 years, and he was a deacon, Sunday School teacher and member of Spring Hill Baptist Church, and a 32nd degree Mason; and

WHEREAS, the community and State will indeed miss the positive influence of Curtis Loper in both business and civic affairs, and the sorrow of his loss we share with his family and friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Curtis Melvin Loper of Chatom, Alabama, and extend deepest sympathy to his wife, Mrs. Juanita Young Loper; to his three sisters and two brothers; and to other family members for whom a copy of this resolution shall be provided.

On motion of Rep. Onderdonk, the rules were suspended and the resolution, H. J. R. 151, was adopted.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:50 A. M. on March 21, 1985.

H. J. R. 115.

Delivered to the Governor at 2:00 P. M. on March 21, 1985.

H. J. R. 118.

H. J. R. 120.

H. J. R. 121.

H. J. R. 122.

H. J. R. 123.

H. J. R. 124.

H. J. R. 125.

H. J. R. 126.

H. J. R. 127.

H. J. R. 128.

H. J. R. 137.

H. J. R. 136.

H. J. R. 135.

H. J. R. 130.

H. J. R. 129.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Faulk, and pursuant to the substitute motion heretofore adopted, the House adjourned until 12:00 o'clock noon, Tuesday, March 26, 1985.

THIRTEENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, March 26, 1985

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Anderson Todd, Jr., Saint John African Methodist Episcopal Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—105

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twelfth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark (J), the reading at length of the Journal of the House for the twelfth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twelfth legislative day was approved.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 152. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That upon reaching the Calendar, all uncontested local bills along with Budget Isolation Resolutions pertinent thereto and attached hereto shall be made the special, paramount and continuing order of business for the Thirteenth Legislative Day only, March 26, 1985, taking precedence over any other business of the House until such time as said resolutions and bills are disposed of:

All uncontested local bills in the order as they appear on the Calendar

On motion of Rep. Clark (J), the resolution, H. R. 152, was adopted.

MOTION TO RE-REFER TABLED

On motion of Rep. Biddle, the motion offered by Rep. Black to request the Speaker to re-refer the bill, H. 755, from the Standing Committee on Health, was tabled.

REGULAR SESSION
13th Day

611

Yeas 31; Nays 15.

Yeas:

Reps. Beasley, Biddle, Blake, Brakefield, Carothers, Carter, Clark (J), Coleman, Faulk, Flowers, Fuller, Gaston, Hammett, Harper, Harvey, Hettinger, Johnson (RG), Kvalheim, Laird, Mathis, Nicholson, Onderdonk, Preuitt, Richardson, Seibels, Smith, Starkey, Turner, Turnham, White (L) and Zoghby.

—31

Nays:

Reps. Black, Brooks, Bryant, Buskey (James), Buskey (John), Clark (D), Clark (W), Davis, Grayson, Kennedy, Newton, Reed, Rogers, Spratt and Thomas.

—15

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO RECONSIDER TABLED

Having filed a Motion in Writing on the twelfth legislative day, Rep. Marietta offered the motion to reconsider the vote by which the bill, H. 151, was passed, and on motion of Rep. Clark (W), the motion to reconsider was tabled.

Yeas 36; Nays 31.

Yeas:

Mr. Speaker, Albright, Black, Blake, Brakefield, Britnell, Bryant, Bugg, Buskey (James), Buskey (John), Clark (W), Cosby, Crow, Davis, Dutton, Grayson, Hall, Holmes, Kennedy, Lauderdale, McDowell, McNair, Newton, Parker, Perdue, Pratt, Preuitt, Reed, Richardson, Rogers, Spratt, Starkey, Thomas, Warren, White (F) and Zoghby.

—36

Nays:

Reps. Beasley, Biddle, Box, Brooks, Butler, Carothers, Clark (D), Clark (J), Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Harvey, Hettinger, Junkins, Kvalheim, Laird, Lindsey, McKee, McMillan, Marietta, Newman, Nicholson, Penry, Smith, Starr, Trammell, Turner and White (L).

—31

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 191. To make appropriations to the Coosa Valley Development Authority, from the general fund of the state treasury, and authorizes the

legislature to reimburse the said general fund from the Public Road and Bridge Fund those expenditures for lawful highway department functions, as it deems necessary, for the current fiscal year and from year to year thereafter, for the duration of the Coosa River Navigation Project, for purposes of capital outlay and capital improvements pursuant to the River and Harbor Act of March 2, 1945, P. L. 14, 79th Congress, 1st Session (59 Stat. 10) modified and defined by plans submitted in House Document No. 320, 86th Congress, 2nd Session and by other provisions of federal law; to prescribe a cap on the total aggregate appropriations; to specifically provide that such appropriations shall be only in the event the United States Congress makes the federal appropriations; to provide that any excess funds at the completion of the said project shall revert to the Public Road and Bridge Fund and to the general fund on a proportionate basis as each bears to the whole of the original appropriations in the aggregate; to provide that the appropriations shall be from the first funds of the said public road and bridge fund and the general fund; to authorize the Coosa Valley Development Authority to contract with the Alabama Highway Department to implement the provisions of this act and certain construction on said project.

H. 69. To amend Section 41-4-93, Code of Alabama, 1975, so that reimbursements from any source made to the Rehabilitation and Crippled Children Service for state funds expended on behalf of clients do not revert at the end of a fiscal year.

H. 171. To amend Section 36-7-20 of the Code of Alabama 1975 so as to further provide that the per diem travel allowance for employees stationed at the same place in the state for a period in excess of two consecutive months shall be reduced to an amount equal to \$5.00 less than the regular per diem allowance fixed by the governor.

H. 183. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1986, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 276. (With Amendment): To amend Sections 3 and 4 of Act No. 84-288, S. 154, 1984 Regular Session (Acts 1984, p. 498), appearing as Sections 31-10-3 and 31-10-4 of the Code of Alabama 1975, relating to the Alabama National Guard Educational Assistance Act, so as to provide further for benefits and eligibility requirements.

H. 424. (With Amendment): To amend Sections 16-59-1 through 16-59-4, Code of Alabama 1975, which provide for the State Fire College, so as to provide that the program shall be administered by the chancellor of postsecondary education, and to provide further for the maintenance of equipment.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and

ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 429. To amend Sections 9-4-11 and 9-4-12, Code of Alabama 1975, so as to provide the state geologist with the authority to enter into agreements with the United States geological survey in the execution of cooperative geologic surveys of the State of Alabama.

H. 435. To amend sections 36-21-68, 36-21-71, 36-21-74, and 36-21-76 of the Code of Alabama 1975, relating to the Alabama Peace Officers' Annuity and Benefit Fund, so as to eliminate purchasing of past service by new members of the fund; and to provide further for disability benefits and continued membership.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 610. (With Amendment): To amend Section 36-7-21, Code of Alabama 1975, providing for out-of-state travel for State employees; to allow the presidents of any junior colleges, two-year schools and vocational-technical schools to approve out-of-state travel requests for employees and appointees under the jurisdiction of said presidents.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 615. (With Substitute): To provide an appropriation of \$50,000 from the State General Fund to the State Department of Finance for Alabama's share of expenses for the opening ceremonies of the Tennessee-Tombigbee Waterway.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 623. To amend Section 40-12-264, Code of Alabama 1975, relating to motor vehicle licensing; to increase the number of days for purchasers to acquire a license plate; to increase the license fees or cost of dealer plates; to allow mobile home licensed dealers to use demonstration and transport tags; to provide for authorized use of dealer tags and to provide penalties for violations.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 649. (With Substitute): To create, contingent upon ratification by the qualified electors of the State of the amendment to the Constitution of Alabama of 1901 proposed by Act 85-79, H. B. 6, of the Special Session of the Legislature of Alabama that convened on January 23, 1985, the Local Government Capital Improvement Fund; to make certain annual appropriations to such fund from the General Fund of the State based upon the amounts of income from the investment of certain moneys derived by the

State from the leasing of rights in and royalty payments from offshore oil, gas and other hydrocarbon minerals; to provide for the distribution of such appropriations among local governments; and to provide for the uses to which such moneys shall be put.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 677. To amend Section 40-21-56 of the Code of Alabama 1975, relating to when the license or privilege taxes will be due in regard to sellers of hydroelectric power to make the tax due on August 25 of each year.

H. 678. To amend Section 40-21-58 of the Code of Alabama 1975 relating to when the license on privilege tax will be due in regard to those persons engaged in the telephone business to make the tax due on August 25 of each year.

H. 679. To provide further for the annual salary of the state treasurer, state auditor, and secretary of state of this state.

H. 724. To include under the duties and functions of the Legislative Fiscal Office the duty of program review and evaluation of the operations of state departments, agencies and institutions.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 113. (With Amendment): To be known as the "Alabama Eminent Domain Code", providing standards for the acquisition of property by condemnors; provides the procedure for the condemnation action; establishes the standard for the conduct of condemnation actions; establishes the procedure for the determination of just compensation; provides compensation standards; provides the procedure for trial, judgment and postjudgment; provides for arbitration of compensation; provides standards related to evidence in condemnation actions; and repeals Sections 18-1-1 through 18-1-32, of the Code of Alabama of 1975.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 73. To exempt all persons employed in public, private, and church schools from liability for certain communications to the parents of a minor child, law enforcement officers or health care providers concerning the suspected use, possession, sale or furnishing of any controlled substance by any minor child.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 566. (With Substitute): To amend Section 14-3-9 of the Code of Alabama 1975 relating to reporting of violations of law; where such violations shall be prosecuted; to provide certain specified employees of the Department

of Corrections with the same police authority as that held by a deputy sheriff or highway patrolman in the State of Alabama.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 62. To establish penalties for certain criminal activities in respect to computers.

H. 650. To provide for the crime of library theft; to authorize, under certain circumstances, library employees to detain suspected offenders; to provide criminal and civil immunity for such library personnel for detentions; to authorize arrest for the offense by law enforcement officers; to provide a misdemeanor penalty for the offense which shall be cumulative to existing theft penalties of this state; and to require display of the provisions of this act in libraries and other institutions covered by this act.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 640. (With Substitute): To abolish any zoning law, ordinance or regulation which prohibits mentally ill persons from living in a natural residential environment and further defining the term "single family residence" as it appears in zoning laws or ordinances to include certain groupings of mentally ill persons.

H. 642. (With Substitute): To abolish any zoning law, ordinance or regulation which prohibits mentally retarded persons from living in a natural residential environment and further defining the term "single family residence" as it appears in zoning laws or ordinances to include certain groupings of mentally retarded persons.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 591. To amend §13A-6-3 of the Code of Alabama, 1975, to provide that manslaughter is a Class B felony.

H. 568. To amend Section 70 of the Alabama Business Corporation Act (Acts 1980, No. 80-633), now §10-2A-111, Code of Alabama 1975, relating to procedure to amend articles of incorporation of Alabama business corporations.

H. 567. To further regulate and control alcoholic beverage transactions in wet counties and municipalities in Alabama under the control and supervision of the alcoholic beverage control board; to provide uniform definitions applicable to Chapter 3, Title 28, Code of Alabama 1975, and to the Alcoholic Beverage Licensing Code, being Act No. 80-529, Acts of Alabama 1980, as amended, appearing as Chapter 3A, Title 28, Code of Alabama 1975, as amended, and to the Alabama Table Wine Act, being Act 80-382, Acts of Alabama 1980, as amended, appearing as Chapter 7, Title 28, Code of Alabama 1975, as amended; and to repeal all laws or parts of laws in conflict herewith.

H. 531. To further amend §40-23-1 Code of Alabama 1975, as amended, which section contains various definitions applicable to the Alabama sales tax, so as to clarify, and remove ambiguity from, the definition of "sale or sales," and declaring that such clarification does not constitute a change in, but is declaratory of, the pre-existing law.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 648. To amend further sections 41-4-132 through 41-4-137 and section 41-4-139, Code of Alabama 1975, relating to public printing and binding, so as to provide further for Class 2, 3 and 4 printing and binding contracts.

H. 730. Relating to the licensing of certain automotive dismantlers and parts recyclers; to amend Sections 40-12-410, 40-12-411, 40-12-412, 40-12-413, 40-12-414, 40-12-415, 40-12-416, 40-12-418, 40-12-419, 40-12-420, 40-12-421 and 40-12-423, Code of Alabama 1975, so as to provide for the licensing of three categories of business that either repair, dismantle or recycle automobiles and parts thereof; to provide for license fees and any accompanying issuance fees and to provide for definitions of the three categories of automotive dismantlers and parts recyclers.

H. 636. To amend section 16-3-1, Code of Alabama 1975, which provides for members of the state board of education and their election and terms of office, so as to provide that one member of said board shall be elected from each congressional district of this state for terms of office of four years each, beginning at the 1986 general election.

H. 688. To amend Section 32-9-20, Code of Alabama 1975, which provides for the size and weight of trucks on state highways, so as to provide further for the size of vehicles transporting agricultural commodities.

H. 705. To provide that the governing body of any county or municipality may provide funding for health and medical insurance coverage for their retired employees.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 530. (With Substitute): To regulate the sale and issue of pre-need burial contracts in this State; to prohibit the sale and issue of such contracts except upon compliance with provisions hereof; and to prescribe the penalty for violation of this act.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 68. To amend Section 41-16-50 and Section 41-16-57, Code of Alabama 1975, relating to the expenditure of public funds for leases and related to the expenditure of public funds awarding lease purchase contracts; to establish an effective date.

S. 286. To amend Code of Alabama 1975, §28-3A-3 (being Section 3, Act No. 80-529, Acts 1980, known as the Alcoholic Beverage Licensing Code) to provide that manufacturer, importer, wholesaler and warehouse licenses may be renewed in a dry county or dry municipality where the county or municipality was wet when the initial license was issued and the county or municipality subsequently votes dry, and to prohibit the sale or distribution of alcoholic beverages within a dry county (except in wet municipalities) or a dry municipality.

H. 598. To provide that all joint resolutions of condolence, designation, commendation, congratulation, setting legislative meeting days or those which are frivolous in nature, enacted by the legislature of Alabama shall not be printed and bound in the Acts of Alabama, and to repeal certain conflicting code provisions.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 419. (With Substitute): To amend Section §34-8A-2 and Section 34-8A-7, Code of Alabama 1975, which provides for the definition of Licensed Professional Counselor and for qualifications of applicants for professional counselor license so as to read as follows.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 593. To amend Section 32-6-61 of the Code of Alabama 1975, relating to the staggered system for licensing and registering motor vehicles, so as to provide further for licensing and registering mobile homes under such system.

H. 770. To amend Sections 34-7-1, 34-7-2, 34-7-3, 34-7-4, 34-7-5, 34-7-9, 34-7-11, 34-7-16, 34-7-17, 34-7-19 and 34-7-40, Code of Alabama 1975, which provide for and regulate the practice of cosmetology, so as to provide further for said practice.

H. 764. To amend Sections 11-96-1 and 11-96-3, Code of Alabama 1975, which relate to Community Action Agencies, so as to provide further for the appropriations to said agencies and to provide further for the definition of same.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 722. (With Substitute): To amend §22-21-263(a) (3) of the Code of Alabama of 1975 to impose a three (3) year moratorium on the issuance of a certificate of need for the licensing of any new health care facility beds and provide for an exception when an emergency is found to exist which endangers the health and safety of the public.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered

same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 723. To authorize the State Health Planning and Development Agency (SHPDA), under certain specified conditions to decertify for patient care use, certain licensed beds of any health care facility. The State Health Planning and Development Agency shall provide for the right to a hearing for any health care facility whose beds are decertified. The State Health Planning and Development Agency shall recertify the decertified beds under certain specified conditions. The decertified beds of any health care facility shall not, by any means whatsoever, be acquired by another health care facility. The SHPDA is authorized to make any further provisions for carrying out the intent and purposes of this Act.

H. 698. To amend sections 34-26-22, 34-26-43 and 34-26-43.1, Code of Alabama 1975, relating to the Board of Examiners In Psychology, so as to provide for increases in certain fees charged by the Board.

H. 699. To amend section 34-26-42, Code of Alabama 1975, relating to the Board of Examiners of Psychology, so as to change the penalty for the unlawful practice of psychology and to provide for injunctive relief.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 708. (With Substitute): To amend Section 5-19-1, Code of Alabama 1975, which relates to the regulation of extensions of credit, so as to exclude from the definition of "finance charge" those charges excluded from the "finance charge" under the Federal Truth-in-Lending Act.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 273. To provide for charges that may be made for bad checks given in payment to lenders of money or extenders of credit and to amend Title 8, Chapter 8, Code of Alabama 1975, therefor; to provide that such charges shall not be deemed interest, finance or other charges that are limited or restricted by law.

Rep. Cosby, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 441. Requiring insurers who issue or deliver property insurance policies in this state to offer as an option in such policies certain coverage for damage from water backing up through sewers and drains.

Rep. Smith, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 733. To amend Section 7-9-307, Code of Alabama 1975, so as to provide that a buyer in ordinary course of business of farm products from a person engaged in farming operations takes free of a security interest

created by his seller even though the security interest is perfected and even though the buyer knows of its existence.

Rep. Reed, Chairman of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 673. To amend Section 38-7-2, Code of Alabama 1975, relating to child care, so as to redefine the term "day care home" and provide further therefor.

H. 495. To amend Section 3-1-13, Code of Alabama 1975, relating to care and custody of abused animals, so as to further provide for the authority of humane officers to take charge of and care for such animals.

Rep. Thomas, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 89. To provide that registration and polling places for state elections be accessible to handicapped and elderly individuals.

H. 557. Prescribing procedures and deadlines for certain special elections called by the Governor to fill vacancies in the state legislature.

H. 753. To amend Section 17-1-7 of the Code of Alabama 1975, relating to rights of public employees to participate in political activities, so as to provide further for such rights.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 215. (With Substitute): To amend Sections 11-51-120, 11-51-121, and 11-51-122, Code of Alabama 1975, so as to clarify and further define the authority of municipalities to levy licenses on insurance companies doing business in such municipalities.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 578. To amend Section 11-20-36, Code of Alabama, 1975, relating to the qualifications of directors of industrial development boards, so as to allow an officer or employee of a county other than a judge of probate, to serve as a director.

H. 627. To relate to the authority of the highway director to administer public transportation programs; to amend sections 23-1-21.1 and 23-1-21.2, Code of Alabama 1975, so as to provide further for such authority of the highway director.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following

bill and ordered same returned to the House with a favorable report, with substitute, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 431. (With Substitute) (With Amendments): Relating to the abandonment of the commission form of government by any Class 5 municipality; providing for the adoption of a mayor-council form of government by ordinance with seven single-member districts and a mayor to be elected at large; providing for the establishment of boundaries of districts, providing for the election and term of office of the initial mayor and council; providing the election law to be applied in any such elections; providing for the salaries of the mayor and council; providing for reapportionment of council districts; providing for the preservation of other officers, their powers, duties, rights, privileges, and emoluments, for the preservation and transfer of all property owned by the municipality, all contracts in force, legal proceedings, and pension funds; and providing for the continuation of all subordinate agencies of the municipality and all ordinances.

Rep. Holmes, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 618. To permit agricultural aircraft to take off and land on lightly traveled local highways with the permission of the state highway department director provided that the average daily traffic count on the road is less than 200.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 555. (With Amendment): Relating to Coosa County; to provide for a special recording fee on documents filed in the office of the judge of probate; and to prescribe the use thereof.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 687. Relating to Shelby County; prohibiting the sale of the Shelby County Medical Center without prior referendum approval of such sale by the qualified electors of the county and providing for holding such referendum election.

H. 694. Relating to Shelby County; to authorize the county commission to provide for hospital and medical insurance of retired county employees.

H. 695. Relating to Jackson County; to relieve the tax assessor of certain obligations which said official incurred as a result of carrying out a directive of the county commission to grant excessive homestead exemptions to certain property owners in the county during the tax collection year of 1982.

H. 706. To alter or rearrange the boundary lines of the City of Albertville, Marshall County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Marshall County, Alabama.

H. 715. To levy a finance charge of ten cents per acre on forest lands located in Marengo County, Alabama, which is to be used for timber growing purposes and to provide protection against forest fires within Marengo County; and further prescribing the procedure for the collection and payment of such finance charges to the Alabama Forestry Commission.

H. 716. Relating to St. Clair County; creating a license-issuing division within the probate judge's office for the issuance of certain licenses; providing for the selection of personnel for such license-issuing division; providing certain duties for the division; providing for an optional procedure for the renewal of motor vehicle licenses in the county by mail; authorizing certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; to be set by the county commission from time to time to pay the cost of mailing tags or decals; prescribing more convenient and efficient procedures for assessing and collecting of certain taxes; the issuing of licenses by the probate judge's office; transferring certain duties now performed by the tax assessor and tax collector to said probate office; and requiring the posting of a performance bond by the said judge.

H. 717. Relating to St. Clair County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Margaret in St. Clair County, Alabama.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 720. (With Substitute): Relating to Dallas County; creating the Selma and Dallas County Economic Development Authority and providing for said authority's composition, terms, duties and powers.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 721. (With Amendment): Relating to Crenshaw County; to authorize the county commission to increase their expense allowance and provide for the source of said funds.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 729. To authorize the Talladega County Board of Health to designate the services rendered by the Talladega County Health Department for which a reasonable fee may be charged. The Talladega County Board of Health is further required to set a maximum fee for each service. The Talladega County Health Department may charge and collect such fees. No citizen shall be deprived of any service because that person is unable to pay.

H. 734. Relating to Blount County; authorizing branch banking.

H. 735. Relating to Blount County; altering the Blount County Commission district line between District Three and District Four, so as to place Oneonta in one beat or precinct.

H. 738. To alter and rearrange the boundary lines of the City of Atmore, Escambia County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Escambia County, Alabama.

H. 766. To provide that the governing body of Jackson County, Alabama, shall call an election in said county for the purpose of determining whether or not an additional excise tax on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage for any purpose whatsoever, gasoline or other liquid motor fuel or devices or substitutes therefor in said county shall be imposed; to provide for the collection and payment of such tax and to provide the distribution and the use of the funds derived therefrom; to authorize the governing body of such county to make reasonable rules and regulations for the collection of such tax, and to provide the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the governing body of such county for the collection of such tax.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 719. Relating to Mobile County, to provide for the deposit of moneys collected by the Mobile County License Commissioner in Mobile County.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 162. (With Substitute): Relating to Mobile County; providing for a guaranteed minimum wage or salary for all City of Mobile Law Enforcement Officers.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 748. Relating to Mobile County; providing a certain additional expense allowance for the members of the county commission retroactive to the beginning of their current terms of office.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 736. Relating to Walker County; proposing an amendment to the Constitution of Alabama of 1901, relating to providing for the operation of bingo games by qualified non-profit organizations for charitable or educational purposes in Walker County.

The above bill was read a second time at length as required by the Constitution.

RESOLUTIONS

The following resolution was introduced:

By Rep. Coburn:

H. R. 153. CALLING A MEETING REGARDING STATEHOUSE PRESS FACILITIES.

WHEREAS, there has arisen a misunderstanding as to the House of Representatives' facilities for the press in the Statehouse facilities presently under construction; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That the House of Representatives committee overseeing plans and construction of the House chamber and facilities and the clerk of the House of Representatives shall provide for a meeting with three representatives of the capitol press for the purpose of acquainting the press with facilities to be provided the press and to hear comments and suggestions of the press.

On motion of Rep. Coburn, the rules were suspended and the resolution, H. R. 153, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Junkins:

H. R. 154. MOURNING THE DEATH OF MRS. RUTH L. MOON OF GADSDEN, ALABAMA.

Also:

By Rep. Junkins:

H. R. 155. COMMENDING JEFF SAULS OF ETOWAH COUNTY, ALABAMA, AS AN OUTSTANDING EMERGENCY MEDICAL TECHNICIAN.

Also:

The following resolution was introduced:

By Reps. Kennedy, Buskey (James), Clark (W) and Black:

H. J. R. 156. COMMENDING JOHN J. IRONS, JR., OF MOBILE, ALABAMA, ON HIS DISTINGUISHED EDUCATIONAL CAREER.

WHEREAS, John J. Irons, Jr., of Mobile, Alabama, is a graduate of Alabama State University in Montgomery with the B.S. degree; he also holds the Master's degree and AA Certification from said university; and

WHEREAS, Mr. Irons moved to Mobile in September 1950 to accept a position as teacher and Bandmaster at Mobile County Training School, remaining in said capacity, with Principal J. T. Gaines, for a period of three years; and

WHEREAS, he later joined the faculty of Central High School, with Principal Gaines, where he taught for eleven years, during which tenure the "Marching 100" was born; and

WHEREAS, Mr. Irons subsequently served for seven years as Assistant Principal with William Banks at Trinity Gardens High School before accepting a promotion as Administrative Assistant in Pupil Personnel at Barton Academy, his responsible position for the past 14 years; and

WHEREAS, thus, John J. Irons, Jr., has distinguished himself in service to education for 35 years, a productive period of dedicated commitment to Alabama's youth in the Mobile area, and a tenure of extraordinary proficiency and achievement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly commend John J. Irons, Jr., for outstanding service and contributions to education in the State of Alabama.

BE IT FURTHER RESOLVED, That we hereby recognize the prominence of Mr. Irons' longtime career and direct that a copy of this resolution be presented to him at his Retirement Roast on March 30, 1985.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 156, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Kennedy, Buskey (James), Clark (W) and Black:

H. R. 157. COMMENDING JOHN J. IRONS, JR., OF MOBILE, ALABAMA, ON HIS DISTINGUISHED EDUCATIONAL CAREER.

Also:

By Reps. Grayson and Albright:

H. R. 158. COMMENDING MISS TRACY DOYLE OF HUNTSVILLE, ALABAMA.

Also:

The following resolution was introduced:

By Rep. Johnson (Roy):

H. J. R. 159. EXPRESSING OPPOSITION TO THE PROPOSED SALE OF CONRAIL TO NORFOLK SOUTHERN.

WHEREAS, following months of negotiations by the Federal Government relating to the sale of Conrail, the Secretary of Transportation has designated Norfolk Southern as the Department of Transportation's recommended purchaser of the Conrail system; and

WHEREAS, it is the consensus of this body that such a decision is in direct conflict with the public's interest, including the best interests of the State of Alabama and the citizens thereof; and

WHEREAS, in large areas of the country, for example, the tracks of three companies either cross or run parallel to the others, thereby creating fierce competition for business; two of these systems, however, are Conrail and Norfolk Southern; and

WHEREAS, in the event that Norfolk Southern and Conrail are joined through the aforementioned sale-purchase recommendation of the Department of Transportation, a mammoth-sized monopoly power would be created, thereby drastically reducing the healthy, competitive options available to thousands of shippers; and

WHEREAS, it further is most highly probable that those systems so drastically and adversely affected by a Conrail-Norfolk monopoly merger would be forced to abandon many thousands of miles of existing rail routes; and

WHEREAS, the result of such curtailment of operations would mean a drastic reduction of railroad service in Alabama as well as the loss of jobs in the railroad industry in our State; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express vehement opposition to the sale of the Conrail system to Norfolk Southern as recommended by the Department of Transportation, but would instead endorse and recommend the sensible alternative of a public offering of the stock of Conrail, or the consideration of a bid, such as offered by Allegheny Corporation or the Marriott group, that will preserve service and competition within the railroad industry.

BE IT FURTHER RESOLVED, That the Clerk of the House of Representatives is directed to forward copies of this resolution, without delay, to members of Alabama's Congressional Delegation that they may be advised of the Legislature's opposition to the Conrail-Norfolk Southern sale.

The resolution, H. J. R. 159, was read and referred to the Standing Committee on Rules.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Hammett, the rules were suspended in order to bring up the Budget Isolation Resolution, relating to H. B. 269.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hammett, Budget Isolation Resolution, H. B. 269, was adopted.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Bowling, Box, Brakefield, Brooks, Burke, Butler, Carter, Clark (D), Clark (J), Dutton, Fuller, Gaston, Goodwin, Gray, Grayson, Hall, Hammett, Harper, Johnson (RG), Laird, Lauderdale, Lindsey, Mitchell, Moore, Nicholson, Parker, Richardson, Sasser, Seibels, Spratt, Tanner, Trammell, Turner, Warren, White (F), White (L) and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 269. To amend Section 30-1-7, Code of Alabama 1975, which provides for persons authorized to solemnize marriages, so as to include former judges of probate.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Bowling, Box, Brakefield, Britnell, Brooks, Burke, Buskey (James), Butler, Carter, Clark (D), Cosby, Dutton, Fuller, Gaston, Goodwin, Gray, Grayson, Hammett, Harper, Hettinger, Holley, Johnson (RG), Johnson (Roy), Lindsey, McMillan, Marietta, Mitchell, Moore, Nicholson, Parker, Penry, Richardson, Sasser, Seibels, Tanner, Trammell, Turner, Warren, White (F), White (L) and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Faulk (With Notice and Proof):

H. 780. Relating to the second judicial circuit; granting law enforcement authority to the investigators of the district attorney's office and the district attorney shall have the authority to have the investigators and other employees of his office to assist him in the presence of the grand jury except when said jury is deliberating.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 780, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. White (L):

H. 781. To authorize the Department of Revenue to pay twelve hundred dollars annually to appraisers, mappers and Alabama certified tax administrators who receive professional recognition as an Alabama Certified Appraiser, Alabama Certified Mapper and Alabama Certified Tax Administrator. The payment by the departments will be from funds now appropriated under Code of Alabama 1975, Section 40-7-70.

Committee on Ways and Means.

By Rep. Junkins (With Notice and Proof):

H. 782. Relating to St. Clair County; abolishing the office of constable in such county.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 782, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Junkins:

H. 783. To provide for the expanded coverage of the surviving spouse of a member of the Employees' Retirement System of Alabama employed as a state policeman upon the death of such member prior to retirement; to provide monthly benefits to the surviving spouse and dependent children of such state policeman; to provide for necessary allocation of funds from the Employees' Retirement System; and to provide for exceptions for those state policemen with a certain amount of service.

Committee on Ways and Means.

By Rep. Albright:

H. 784. To amend section 25-5-77, Code of Alabama 1975, which relates to expenses of medical, and surgical treatment, vocational rehabilitation, medicine, nutritional supplementation and medical, or surgical examinations under Worker's Compensation so as to provide that injured employees shall have a choice of physician in the event the injured employee is dissatisfied with the initial treating physician selected by the employer and if further treatment is required and that the employer shall be liable for all such treatments.

Committee on State Administration.

By Rep. Johnson (Roy):

H. 785. To amend Section 41-1-6 of the Code of Alabama 1975, so as to increase the dollar value from \$100.00 to \$500.00 for nonconsumable personal property which has to be reported by the property manager of each department or agency of the state, and decreasing the frequency of the report from every six months to once every two years.

Committee on State Administration.

By Rep. Johnson (Roy):

H. 786. To amend Section 36-16-8 of the Code of Alabama 1975, to increase the dollar value from \$100.00 to \$500.00 for nonconsumable property that has to be reported by the property manager of each department or agency of the state to the property inventory control division, and decreasing the frequency of reporting from every six months to every two years.

Committee on State Administration.

By Rep. Starkey:

H. 787. To make supplemental appropriations from the Public Road and Bridge Fund to the State Highway Department for the fiscal year ending September 30, 1985.

Committee on Ways and Means.

By Rep. Coburn:

H. 788. To provide a pay increase for certain personnel in public education for the Fiscal Year ending September 30, 1986.

Committee on Ways and Means.

By Reps. Johnson (RG) and Laird:

H. 789. To amend Section 2-22-12 of the Code of Alabama 1975, relating to penalties for certain deficiencies in constituents of fertilizers, so as to provide further for such penalties.

Committee on Agriculture and Forestry.

By Reps. McMillan and Penry (With Notice and Proof):

H. 790. Relating to Baldwin County; amending the title and Section 2 of Act No. 79-623, S. 479, 1979 Regular Session (Acts 1979, p. 1106), which act relates to the disposition of funds from the leasing of oil, gas and mineral rights owned by the county on rights-of-way within the county road system, so as to provide further for the expenditure of such funds.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 790, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. McMillan and Penry (With Notice and Proof):

H. 791. Relating to Baldwin County; to provide that the cost of conducting certain elections shall be paid by the county.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 791, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hettinger:

H. 792. To further define flotation device under certain circumstances for certain sailboarders or wind surfers, any law, rule or regulation to the contrary notwithstanding.

Committee on Natural Resources.

By Reps. Carter, Smith, Hall, Butler, Goodwin, Lindsey, Brakefield and White (F):

H. 793. To amend §40-23-4 relating to exemption from collection of sales tax of various items and transactions to further exempt the gross

proceeds of sales of liquified petroleum gas used by cotton gins in the process of ginning and drying cotton.

Committee on Ways and Means.

By Rep. Hettinger:

H. 794. To provide further for the sale of land or real property where taxes are owed and the redemption of such land or property, so as to provide that interest shall be at a certain rate of interest prevailing at the time said land or property was sold for taxes in a defined area; and to provide that the provisions of this act shall be construed in pari materia with all provisions of Title 40, Chapter 10, Code of Alabama 1975, relating to the sale of land and redemption except to the extent there is any conflict.

Committee on Ways and Means.

By Reps. Browder, Crow, Campbell, Ford and Junkins:

H. 795. To exempt the Big Oak Boy's Ranch from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Reps. Bowling and Drake:

H. 796. Providing that certain members of the retirement systems of Alabama may purchase credit for certain previous service, not to exceed eight years service, rendered to a county as a county solicitor and prescribing certain conditions for purchasing such credit.

Committee on Ways and Means.

By Rep. Hooper (With Notice and Proof):

H. 797. Relating to Montgomery County; to amend Sections 1(11) and 7(2)(h) of Act No. 356, H. 1066, of the 1973 Regular Session (Acts 1973, p. 492), relating to the Montgomery County Retirement System, so as to provide further for the schedule for making retirement allowance payments; and to provide that regular interest rates shall be as determined from time to time by the county commission.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 797, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Starr:

H. 798. Relating to deputy circuit clerks; to repeal Section 17-2-8, Code of Alabama 1975, which provides for the election of deputy circuit clerks in counties having more than 5 circuit judges; and repealing Section 12-17-99, Code of Alabama 1975, which relates to the supplemental salary of elected deputy circuit clerks.

Committee on Ways and Means.

By Reps. Payne, Butler, Faulk, Carothers and Adams:

H. 799. Relating to sales representatives; requiring written contracts between sales representatives and principals when commissions are involved; requiring the principal to furnish the representative with a signed copy of

the contract; providing for the payment of commissions upon termination of certain agreements; providing for civil damages; providing an effective date.

Committee on Judiciary.

By Reps. Browder, Pratt, Lauderdale, Johnson (Roy), Crow and Adams:

H. 800. Relating to elections, to establish, operate and maintain a statewide voter file maintenance system as a service to boards of registrars, such system to provide to the boards of registrars a list of the names of persons who are deceased, convicted of disqualifying crimes, who failed to vote for four consecutive years, or are otherwise no longer qualified to vote as provided by law; to provide that any elector who fails to vote at least once within a period of four consecutive years shall be removed from the list of active voters; to repeal voter reidentification laws upon completion of reidentification process; to provide that provisions of this act are supplemental to Chapter 4, Title 17, Code of Alabama, 1975; to provide for severability; and, to provide effective dates.

Committee on Ways and Means.

By Reps. Preuitt, Beasley, Flowers, Blakeney, Warren, Holmes, Bryant, Thomas and Black:

H. 801. To exempt the Am Vets of Alabama from the payment of all state, county and municipal ad valorem taxes; and to provide for retroactive effect.

Committee on Ways and Means.

By Reps. Rogers, Boles, Perdue, McNair, Hall, Johnson (Roy), Pratt, Clark (J), Richardson, Crow, Spratt, Mitchell, Moore, Grayson, Goodwin, Clark (D), Starkey, Lauderdale, Parker, Bugg, Newman, Junkins, Ford, Newton, Escott, Melton, Rains, Smith, White (G), Bowling, Coburn, Davis, Holley, Butler, Carter, Burke, Tanner, Trammell, Gray, Bachus, Hettinger, Brakefield, Harvey, Brooks, Dutton, Coleman, Laird, Fuller, White (L), Nicholson, Browder, Buskey (John), Thomas, Biddle, Warren, White (F), Sasser, Preuitt, Beasley, McMillan, Faulk, Mathis, Onderdonk, Bryant, Venable, Starr, Carothers, Flowers, Blakeney, Black, Hooper, Gaston, Kvalheim, Clark (W), Buskey (James), Zoghby, and Kennedy:

H. 802. To provide that whenever any charitable, educational, non-profit or other organization solicits funds from the general public, that a certain percentage of said funds so received must actually be paid over to the organization on whose behalf the funds were solicited; to provide that the office of the attorney general shall enforce the provisions of this act and shall have the power to promulgate rules and regulations and to require the filing of such reports, under oath, as deemed necessary to carry out the provisions of this act; providing penalties.

Committee on State Administration.

By Rep. Harper (With Notice and Proof):

H. 803. To amend Sections 1, 2, 6, 8, 9, 10, 11, 13, 14, 16, 23, 24, 28 and 29 of Act No. 243, H. 278, of the First Special Session of 1964 (Acts 1964, p. 326) as amended, which provides for the establishment and operation of pension and relief system for policemen and firemen of the City of Mobile, Alabama, so as to provide for: the qualifications for membership in such

system; the designation of a special fund for certain payments by insurance companies to the system; a financial consultant for such system; the composition, powers and duties of the board of directors of such system; a full-time secretary for such system; prohibiting the garnishment of pension funds; eligibility and participation; procedures for reimbursement from the city for certain pensions relating to work related disabilities; computing certain pensions; allowances to surviving spouses; the transition of duties and responsibilities between the City of Mobile and the Board; the procedure on appeal from a decision of the Board; certain options in electing benefits under such system; cost-of-living increases in pensions under such system and to specifically repeal Sections 15 relating to certain retirement procedures, and 22 relating to the option of non-membership of said act.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 803, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Carothers, Preuitt, Flowers and Moore:

H. 804. To prohibit the issuance of license plates and certificates of title on any motor vehicle which was not manufactured to comply with federal emission and safety standards applicable to new motor vehicles as required by the Clean Air Act (42 U.S.C. §7401 *et seq.*) and the National Traffic and Motor Safety Act (15 U.S.C. §1381 *et seq.*) unless the United States Customs Service or the United States Department of Transportation and the United States Environmental Protection Agency have certified that the motor vehicle complies with such applicable Federal standards; to provide that all documents submitted in connection with applications for license plates and certificates of title shall be in the English language; to provide for the date when such certification requirements become effective; and to make it unlawful for any person to sell such a motor vehicle without the necessary certification of compliance with the federal emission and safety standards.

Committee on Health.

By Rep. Lindsey (With Notice and Proof):

H. 805. Relating to selling and redeeming lands for taxes in Cleburne County, Alabama; and providing for an effective date.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 805, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Mikell and Grouby (With Notice and Proof):

H. 806. Relating to Autauga County; to alter, re-arrange and extend the boundary lines and corporate limits of the City of Prattville in Autauga County, Alabama.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 806, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Mikell (With Notice and Proof):

H. 807. Relating to Elmore County; to amend Act 84-656, H. B. 973, 1984 Regular Session, pertaining to the election of county commissioners, so as to provide for said election by districts.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 807, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Moore:

H. 808. To amend Sections 34-24-251; 34-24-252; 34-24-253; 34-24-254; 34-24-255; 34-24-256; 34-24-257; 34-24-271; 34-24-272; 34-24-275; 34-24-276, Code of Alabama, 1975, relating to the regulation of the practice of Podiatry so as to provide further for meetings and a quorum; to provide further for the power as and duties of the Board; to provide further for the compensation of Board members and disposition of funds realized from fees; to provide further for the salary and bond of Secretary-Treasurer; to provide further for examinations, qualifications of applicant, applications, scope, contents and issuance of licenses; to provide further for the conduct of examinations; to provide further for second examinations; to provide further for licenses to podiatrists coming into this state and fees for same; to provide further for special certificates; to provide further for license renewal, penalties and continuing education; to provide further for suspension or revocation of licenses and to provide penalty for practicing without a license and for violation of chapter or rules and 31 regulations.

Committee on Health.

By Rep. Turner:

H. 809. Repeals Sections 40-25-2, 40-25-3, 40-25-5, 40-25-29, and eliminates all taxes on all tobacco products except cigarettes, amends 40-25-1 to define stamps, 40-25-2A enacts a tax on cigarettes, amends 40-25-23 to provide for distribution of the revenue, gives revenue commission authority to carry out the act, provides stamping as a method of carrying out the levy, provides for elimination of all tobacco taxes by any city or town or county, amends 40-25-40(7) to define tobacco products as cigarettes, provides for severability and effective date of this act.

Committee on Ways and Means.

By Rep. Dutton (With Notice and Proof):

H. 810. Relating to Lawrence County; providing for a board of trustees for the Jesse Owens Memorial Park in said county; providing for the terms of the members of such board and prescribing their duties and responsibilities.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 810, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Dutton (With Notice and Proof):

H. 811. Relating to Lawrence County; allowing the Department of Conservation and Natural Resources to regulate the use of dogs and/or buck shot in shotguns in deer hunting outside of wildlife management hunting areas and repealing Act No. 80-349, H. 972, 1980 Regular Session.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 811, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Dutton (With Notice and Proof):

H. 812. Relating to Lawrence County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses; and to repeal Act No. 79-399, H. 618, 1979 Regular Session.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 812, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Dutton (With Notice and Proof):

H. 813. Relating to Lawrence County; to create a motor vehicle license division within the tax assessor's office for the issuance of motor vehicle licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; the issuance of motor vehicle licenses by the tax assessor's office and to transfer certain duties now performed by the probate judge and tax collector to said tax assessor.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 813, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Dutton (With Notice and Proof):

H. 814. Relating to Lawrence County; providing for a supplemental expense allowance for the court reporter of the Thirty-sixth Judicial Circuit; and providing such expense allowance shall be paid from the county treasury.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 814, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Flowers:

H. 815. Relating to the practice of pharmacy by amending Chapter 23 of Title 34 of the Code of Alabama, 1975 by adding an additional Section 14 to provide that any person, firm or corporation which shall advertise in any newspaper, radio, television, handbill, billboard, sign or mailed advertising material and which advertisements use or incorporate the words "pharmacy" and or "pharmaceutical services" shall be deemed to be operating a pharmacy within the meaning of §34-23-1(4); and to further provide that any medical practitioner or the employee of any medical practitioner under his supervision and control shall be permitted to dispense, administer or supply to his patients drugs and medicines for their use except that any office or clinic of a medical practitioner which is deemed to contain a pharmacy under this subsection shall meet all the requirements and be subject to the provisions of this chapter; and to prescribe that the Alabama State Board of Pharmacy shall exercise no jurisdiction over the private offices or clinics of any physician licensed to practice medicine, dentist, or veterinarian or their employees unless such physician, dentist, or veterinarian or the office or clinic of such physician, dentist, or veterinarian shall advertise in the manner described in this subsection.

Committee on Health.

H. 741 RE-REFERRED

On motion of Rep. Harper, the Speaker re-referred the bill, H. 741, from the Standing Committee on State Administration to the Standing Committee on Natural Resources.

MOTION TO RECESS ADOPTED

The motion offered by Rep. Johnson (Roy), that the House stand in recess at 3:20 o'clock p.m., for the purpose of a Joint Session, was adopted.

MOTION TO ADJOURN ADOPTED

The motion offered by Rep. Johnson (Roy), that when the House adjourns today, it adjourns to meet again at 10:00 o'clock a.m., Thursday, March 28, 1985, was adopted.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Gaston, Kvalheim and Marietta:

H. J. R. 160. COMMENDING ALFRED F. DELCHAMPS, JR., 1984 MOBILIAN OF THE YEAR.

WHEREAS, It is with a sense of great pride that the Legislature of Alabama notes the selection of Mr. Alfred F. Delchamps, Jr., as "Mobilian of the Year for 1984"; and

WHEREAS, Mr. Delchamps is Chairman of the Board and Chief Executive Officer of Delchamps, Inc. and is a prominent and influential leader in the civic, social and religious life of Mobile; and

WHEREAS, among his numerous charitable contributions, he has served as chairman of Mobile's 1980 United Way Campaign as chairman of Mobile United, as vice-chairman of Mobile Area Chamber of Commerce, and as a director of the American Red Cross; and

WHEREAS, Mr. Delchamps is currently Chairman of the Board of the Alabama State Council on the Arts and Humanities, vice-chairman of the Board of Trustees of Huntington College, and a member of the Board of Trustees of Dauphin Way United Methodist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily praise and commend Mr. Alfred F. Delchamps, Jr., for outstanding service to the Mobile area and congratulate him upon his selection as 1984 Mobilian of the Year.

BE IT FURTHER RESOLVED, That in expression of sincere gratitude and highest regard, a copy of this resolution shall be forwarded to Mr. Delchamps.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 160, was adopted.

Also:

By Reps. McMillan and Penry:

H. J. R. 161. COMMENDING MRS. MAMIE WHITE OF BAY MINETTE, ALABAMA, "CITIZEN OF THE YEAR."

WHEREAS, in consensus of highest commendation, the Alabama Legislature notes the selection of Mrs. Mamie White of Bay Minette, Alabama, as "Citizen of the Year," an annual presentation of radio stations WBCA and WWSM; and

WHEREAS, the recipient of numerous honors and accolades, Mrs. White also has been recognized previously with the 1983 RSVP Woman Volunteer of the Year award, the 1984 Baldwin County Rural Leadership Award and is a nominee for the 1985 Governor's Volunteer Award; and

WHEREAS, Mrs. White, during Citizen of the Year presentation ceremonies, was cited for her many contributions and support of the activities of the Disabled American Veterans, the American Legion and Veterans of Foreign Wars auxiliaries, the Retired Senior Volunteers Program, Kiwanis Club and the Christian Charity League, among others; and

WHEREAS, she further has coordinated the Christmas Giving Program in Bay Minette for eight years, has chaired two Bike-A-Thons in the Bay Minette area for Saint Jude's Hospital and has helped collect funds and purchased Christmas gifts for Searcy Hospital patients; and

WHEREAS, Mrs. White, a retired employee of Monsanto and a member of Eastwood Baptist Church, has indeed given generously of her time and

talent in concern for others; she is a shining example of dedicated volunteerism and as a generous and compassionate lady, is a true inspiration to others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Mamie White of Bay Minette, Alabama, for outstanding community service, and as a prominent civic leader whom we hold in highest regard, and for whom a copy of this resolution shall be provided.

On motion of Rep. McMillan, the rules were suspended and the resolution, H. J. R. 161, was adopted.

Also:

By Reps. Penry, Gaston, Crow, Blakeney, Ford and Poole:

H. J. R. 162. HONORING COLONEL J. LLOYD BROWN FOR HIS DEDICATION AND CHRISTIAN LEADERSHIP.

WHEREAS, the Legislature takes great pride in honoring The Reverend J. Lloyd Brown for his dedication as a servant to God and his country; and

WHEREAS, he enlisted in the U.S. Navy at age 17 and served in the Pacific during World War II. He completed his high school education through the GED program and received a B.S. in Education from Howard College (now Samford University) in Birmingham in 1953. He also holds a Bachelor of Theology from Southern Baptist Theological Seminary in Louisville, Kentucky, graduating in 1956; and

WHEREAS, he has served in Vredenber, Alabama, in Wilcox County, Lawley, Alabama, in Bibb County; Burnsville, Alabama, near Selma, Alabama; Central Baptist Church for ten years in Hixson, Tennessee; and has been pastor of the Myers Memorial Baptist Church on Shelton Beach Road in Eight Mile, Alabama, since 1969; and

WHEREAS, Colonel J. Lloyd Brown has served as Chaplain of the 226th Theater Army Support Group of the Alabama National Guard from 1972 to 1984. When he faced mandatory retirement two years ago, not only did the commanding officer request a special waiver, but also personnel of the group initiated a petition in support of the request to keep Chaplain Brown. Today he remains in the National Guard under a second special extension and is presently serving as Chaplain of the 167th Support Command; and

WHEREAS, to one group he is their pastor, to the other he is their chaplain, their father figure and a good friend to whom they can always turn for advice, comfort or an uplift. Day or night, Reverend Brown makes himself available to members of his unit or their families in time of spiritual need. On occasion, he has traveled several hundred miles to visit the sick or to attend a funeral; and

WHEREAS, on his National Guard weekend, the Chaplain spends Saturday visiting Mobile hospitals where members of the unit, their relatives or friends may be patients. On Sunday morning he conducts a chapel service at 7:30 a.m. which allows him to be in Eight Mile for his services at Myers Memorial. Then Sunday afternoon he often makes a repeat visit to the hospitals; and

WHEREAS, Chaplain Brown reflects great credit to himself, his unit and the Alabama National Guard by using a native sense of humor and

piercing wit to implant spiritual values and thereby proving that a man of God does not have to maintain a sour countenance to reach people; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama hereby expresses our most heartfelt appreciation to Colonel J. Lloyd Brown for his dedication as a true servant of God and country and for his Christian leadership, devotion and exemplary performance.

BE IT FURTHER RESOLVED, That The Reverend Brown receive a copy of this resolution as a mere token of our warm praise and esteem.

On motion of Rep. Penry, the rules were suspended and the resolution, H. J. R. 162, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Reed:

H. R. 163. CONGRATULATING MR. AND MRS. EDDIE MAHONE OF THEIR 50th WEDDING ANNIVERSARY CELEBRATION.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Gray to suspend the rules in order to bring up Budget Isolation Resolution, relating to H. B. 465, was lost.

Yeas 12; Nays 34.

Yeas:

Reps. Biddle, Boles, Britnell, Brooks, Gray, Hettinger, Hooper, Payne, Poole, Rains, Smith and Trammell.

—12

Nays:

Reps. Blake, Bryant, Bugg, Buskey (James), Buskey (John), Carothers, Clark (D), Clark (J), Clark (W), Davis, Dutton, Fuller, Goodwin, Grayson, Harvey, Holmes, Kennedy, Mathis, Newman, Newton, Nicholson, Onderdonk, Parker, Pratt, Preuitt, Reed, Richardson, Sasser, Spratt, Thomas, Turner, White (F), White (L) and Zoghby.

—34

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Venable:

H. J. R. 164. MOURNING THE DEATH OF FORMER WETUMPKA MAYOR, HENRY ELLIS AUSTIN.

WHEREAS, the Legislature of Alabama grievously records the death of Henry Ellis Austin of Wetumpka, Alabama, on March 17, 1985, at the age of 81 years; and

WHEREAS, a native of Rome, Georgia, and a former minor league baseball player, Mr. Austin came to Wetumpka from Selma shortly before World War II; and

WHEREAS, Mr. Austin, a prominent businessman, was elected mayor of the City of Wetumpka in 1948, serving until 1952, and was re-elected to the position in 1960; and

WHEREAS, Mayor Austin also was active in numerous of the civic, charitable and community affairs of Wetumpka; and

WHEREAS, his involvement included the Boy Scouts program, which he started in Wetumpka, and he was an ardent supporter of the Coosa River Development, the Wetumpka Lions Club and the Wetumpka Volunteer Fire Department; and

WHEREAS, Mayor Austin indeed was one of Wetumpka's most contributing citizens, and his loss to the community has left an immeasurable void in the lives of his family and his fellow citizens whom he served so well and for so many years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Henry Ellis Austin of Wetumpka, Alabama, and extend our deepest sympathy to his wife, Mrs. Beth W. Austin; his son and daughter-in-law, Mr. and Mrs. Ellis Austin, Jr.; and his sisters, brother and grandchildren, for whom copies of this resolution shall be provided.

On motion of Rep. Venable, the rules were suspended and the resolution, H. J. R. 164, was adopted.

Also:

By Rep. Venable:

H. J. R. 165. MOURNING THE DEATH OF FORMER LONGTIME DISTRICT JUDGE EDWIN SANFORD OF WETUMPKA, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama notes the death of Judge Edwin Sanford of Wetumpka, Alabama, on March 16, 1985, at the age of 70 years; and

WHEREAS, Judge Sanford graduated from Wetumpka High School and from the University of Alabama School of Law, whereupon he entered the private practice of law in his native Wetumpka shortly before the onset of World War II; and

WHEREAS, following discharge from the military in 1945, Edwin Sanford ran for the circuit judgeship, then known as the Court of Common Pleas, holding the position from 1946 until his retirement January 1, 1983; and

WHEREAS, the death of Judge Edwin Sanford has indeed left a deep void in the hearts of his beloved family, and in the life of a community he served with deep commitment as a true friend and benefactor to all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Judge Edwin Sanford of Wetumpka, Alabama, and extend our very deepest sympathy to his wife, Mrs. Laura Sanford; to his daughter and son, Mrs. Kelly Alford and Edwin Sanford, III; and to other family members, whose deep sorrow also is ours and for whom a copy of this resolution shall be provided.

On motion of Rep. Venable, the rules were suspended and the resolution, H. J. R. 165, was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Laird, Budget Isolation Resolution, H. B. 292, was adopted.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Brakefield, Britnell, Brooks, Browder, Bryant, Buskey (James) Buskey (John), Butler, Carter, Clark (D), Clark (W), Crow, Fuller, Gaston, Goodwin, Grayson, Hammett, Harvey, Hettinger, Holmes, Hooper, Johnson (RG), Kennedy, Laird, Lauderdale, Lindsey, Newman, Nicholson, Onderdonk, Parker, Poole, Preuitt, Reed, Sasser, Smith, Thomas, Trammell, Turner, Venable, White (F), White (G), White (L) and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 292. Relating to Randolph County; providing for a referendum on the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; repealing conflicting laws; providing for filing by candidates for county revenue commissioner and an election therefor; and providing for its effectiveness.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Bowling, Brakefield, Britnell, Brooks, Bryant, Buskey (John), Butler, Carter, Clark (D), Clark (W), Crow, Fuller, Gaston, Goodwin, Grayson, Hall, Hammett, Hettinger, Hooper,

Kennedy, Laird, Lauderdale, Lindsey, Mathis, Newman, Nicholson, Parker, Poole, Preuitt, Rains, Reed, Rice, Seibels, Smith, Starkey, Tanner, Thomas, Turner, Venable, White (F), White (G), White (L) and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTIONS

The following resolutions were introduced.

By Rep. Payne:

H. J. R. 166. COMMENDING GOVERNOR GEORGE C. WALLACE FOR HIS ESTABLISHMENT OF THE ALABAMA GOVERNOR'S CONFERENCE ON VOLUNTEERISM.

WHEREAS, the Alabama Governor's Conference on Volunteerism was established by Governor George C. Wallace in recognition and support of volunteerism in Alabama, and to provide effective volunteer administration and leadership of volunteer programs statewide; and

WHEREAS, Alabama's first statewide Conference on Volunteerism was held in Montgomery, March 19-20, 1985, with its special theme, "Sharing Alabama Style"; a highlight of the agenda was the Governor's Volunteer Awards program which recognized those individuals judged most outstanding examples of dedicated volunteerism in the eight categories of Arts and Humanities, Education, Environment, Health, Human Services, Material Resources, Public Safety and Recreation; and

WHEREAS, Governor Wallace's emphasis on volunteerism is indeed a positive program that will greatly strengthen and enhance the efforts of the untold thousands of volunteers throughout Alabama who give generously and unceasingly of their time, advice, talent and resources in support of those of special needs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Governor George C. Wallace for his establishment of the Alabama Governor's Conference on Volunteerism.

BE IT FURTHER RESOLVED, That in tribute to, and in admiration of, his outstanding leadership in support of Alabama's volunteers, a copy of this resolution shall be forwarded to the Honorable George C. Wallace.

On motion of Rep. Payne, the rules were suspended and the resolution, H. J. R. 166, was adopted.

Also:

By Rep. Poole:

H. R. 167. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Rules of the House are hereby amended to add a new Rule 22a to read as follows.

Rule 22a. When the principal Alabama Special Educational Trust Fund Appropriation Bill and the principal General Fund Appropriation Bill receive a favorable report by the House Ways and Means Committee, a copy of these budgets must be given to each member of the House one meeting day before they are to be acted on by the full House.

MOTION TO ADOPT TABLED

On motion of Rep. Turner, the motion offered by Rep. Poole to adopt the resolution, H. R. 167, was tabled.

Yeas 46; Nays 13.

Yeas:

Mr. Speaker, Beasley, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Bryant, Bugg, Buskey (John), Carothers, Clark (D), Clark (J), Clark (W), Coburn, Crow, Dutton, Ford, Goodwin, Grouby, Hall, Harvey, Holley, Johnson (RG), Junkins, Laird, Lauderdale, McMillan, Martin, Newman, Newton, Onderdonk, Penry, Perdue, Pratt, Rogers, Sasser, Spratt, Starkey, Trammell, Turner, Venable, White (F) and Zoghby.

—46

Nays:

Reps. Beers, Black, Brooks, Burke, Faulk, Hooper, McKee, McNair, Mitchell, Nicholson, Payne, Poole and Rice.

—13

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Laird offered the motion to reconsider the vote by which the bill, H. 292, was passed, and the motion to reconsider was adopted.

H. 292 TEMPORARILY POSTPONED

On motion of Rep. Laird, the bill, H. 292, was temporarily postponed.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Turner, Budget Isolation Resolution, H. B. 177, was adopted.

Yeas 37; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blake, Brooks, Bryant, Bugg, Butler, Clark (W), Davis, Dutton, Gaston, Goodwin, Grouby, Hall, Harper, Harvey, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Mathis, Mitchell, Newman, Nicholson, Parker, Preuitt, Rice, Richardson, Seibels, Starkey, Thomas, Turner, White (F), White (G) and Zoghby.

—37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 177. Relating to Mobile County; establishing a branch of the license commissioner's office in the City of Citronelle.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Blake, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (James), Butler, Carter, Clark (W), Dutton, Faulk, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Mathis, Mitchell, Newman, Nicholson, Parker, Penry, Poole, Preuitt, Richardson, Seibels, Spratt, Starkey, Tanner, Thomas, Turner, Venable, White (F), White (L) and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

NOTICE IN WRITING

Rep. Dutton filed the following Notice in Writing:

I hereby give notice of my intention to ask that Rule 49 be imposed so as to direct the Chairman of LL#1 to act favorably on House Bill 582 and submit said bill to the full House for consideration.

H. 179 TAKEN UP

And the bill:

H. 179. To provide a supplement to the salaries of circuit court bailiffs in the Thirteenth Judicial Circuit.

As amended, and temporarily postponed on the sixth legislative day, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Bugg, Butler, Clark (D), Clark (W), Crow, Dutton, Faulk, Flowers, Fuller, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Mathis, Mitchell, Moore, Newman, Nicholson, Parker, Poole, Preuitt, Richardson, Starkey, Tanner, Thomas, Turner, Venable, White (F), White (L) and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution, H. B. 189, was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Bryant, Buskey (James), Buskey (John), Butler, Clark (D), Clark (W), Coleman, Crow, Davis, Dutton, Faulk, Gaston, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Mitchell, Moore, Newman, Nicholson, Parker, Perdue, Poole, Preuitt, Rice, Seibels, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Venable, White (F), White (G) and Zoghby.

—53

And the bill:

H. 189. (With Substitute): Relating to Mobile County; providing that any political subdivision or agency of such subdivision within the county shall solicit competitive bids when leasing any warehouse, storage, shop, office space or land from or to any individual, association, corporation, partnership or other business entity and prescribing certain bid procedures.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 3, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Mobile County; providing that any political subdivision or agency of such subdivision within the county shall solicit competitive bids when leasing any warehouse, storage, shop, office space or land from or to any individual, association, corporation, partnership or other business entity and prescribing certain bid procedures.

Be It Enacted by the Legislature of Alabama:

Section 1. Whenever any political subdivision or any agency of such subdivision, within Mobile County, deems it necessary to lease any warehouse, storage, shop, office space or land for official business purposes from or to any individual, association, corporation, partnership or other business entity, it shall first have its purchasing agent solicit competitive sealed bids for such lease agreements by publication of notice thereof four consecutive weeks in a newspaper in Mobile County, Alabama; provided, however, that the purchasing agent shall also solicit such sealed bids by sending notice by mail to all persons, firms, or corporations who have filed a request in writing that they be listed for solicitation on bids for such particular items as are set forth in such request. If any person, firm or corporation whose name is

listed fails to respond to any solicitation for bids after the receipt of three such solicitations, such listing may be cancelled by the purchasing agent, at his discretion. All bids shall be sealed when received, shall be opened in public at the hour stated in the notice, and all original bids together with all documents pertaining to the award of the contract shall be retained and made a part of a permanent file or record and shall be open to public inspection.

Section 2. All leases subject to the provisions of Section 1 of this act may be for terms of up to five years before such leases must be rebid.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Buskey (John), Butler, Clark (D), Clark (W), Coleman, Crow, Dutton, Faulk, Fuller, Gaston, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Mitchell, Moore, Newman, Nicholson, Parker, Poole, Richardson, Seibels, Spratt, Starkey, Tanner, Thomas, Turner, Venable, White (F) and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 189, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (John), Butler, Clark (W), Coleman, Crow, Dutton, Fuller, Gaston, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Martin, Mathis, Moore, Newman, Nicholson, Parker, Poole, Pratt, Preuitt, Rice, Richardson, Seibels, Spratt, Starkey, Tanner, Thomas, Turner, Venable, White (F), White (G), White (L) and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Turner offered the motion to reconsider the vote by which the bill, H. 179 was passed as amended, and the motion to reconsider was adopted.

And the bill, H. 179, was again taken up.

SUBSTITUTE OFFERED

Rep. Turner offered the following substitute to the bill, H. 179:

A BILL
TO BE ENTITLED
AN ACT

Relating to Mobile County, to provide for the deposit of moneys collected by the Mobile County License Commissioner and other elected officials in Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. The License Commissioner and other elected officials of Mobile County shall deposit all collection of moneys by his or her office in an interest-bearing checking account or interest-bearing savings account within Mobile County.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Boles, Brakefield, Brooks, Bryant, Bugg, Buskey (John), Butler, Clark (W), Coleman, Crow, Dutton, Fuller, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Martin, Mathis, Moore, Newman, Nicholson, Onderdonk, Parker, Poole, Pratt, Rice, Seibels, Starkey, Tanner, Thomas, Trammell, Turner, Venable, White (F), White (G) and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 179 as thus amended, was again read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Clark (D), Clark (W), Coleman, Crow, Dutton, Faulk, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Martin, Moore, Newman, Nicholson, Parker, Poole, Richardson, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Turner, Venable, White (F), White (G) and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Rogers, Budget Isolation Resolution, S. B. 48, was adopted.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Blakeney, Bowling, Box, Brooks, Bryant, Buskey (James), Buskey (John), Clark (W), Coleman, Davis, Dutton, Faulk, Gaston, Grouby, Hall, Hammett, Harper, Hettinger, Hooper, Johnson (Roy), Kennedy, Kvalheim, Marietta, Nicholson, Onderdonk, Penry, Perdue, Poole, Pratt, Reed, Rice, Rogers, Smith, Starkey, Thomas, Turner, Venable, White (G) and Zoghby.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 48. To authorize the Board of Managers of the City of Birmingham Retirement and Relief System to consider the application of Jessie James White for a pension based upon extraordinary disability and to award such pension if, in the judgment of the board of managers, such pension is required; and to provide for the conditions and limitations applying to such pension.

Was read a third time at length and passed.

Yeas 51; Nays 1.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Bugg, Clark (W), Coleman, Davis, Dutton, Faulk, Gaston, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, McNair, Marietta, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Reed, Rice, Rogers, Spratt, Starkey, Thomas, Turner, Venable, White (F), White (G) and Zoghby.

—51

Nay: Rep. Pratt.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Ford, Budget Isolation Resolution, H. B. 562, was adopted.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Black, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Clark (D), Clark (W), Coleman, Faulk, Ford, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Poole, Rice, Sasser, Smith, Starkey, Tanner, Turner, Venable, Warren, White (F) and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 562. Relating to Etowah County; to provide for an expense allowance for the Commission Chairman and each County Commissioner and to provide for its retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (John), Carter, Clark (D), Clark (W), Coleman, Dutton, Faulk, Ford, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kvalheim, Lauderdale, McMillan, Marietta, Mathis, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Poole, Rains, Reed, Rice, Richardson, Smith, Starkey, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F) and White (G).

—60

BUDGET ISOLATION RESOLUTION

On motion of Rep. Nicholson, Budget Isolation Resolution, H. B. 570, was adopted.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Bryant, Carter, Clark (D), Clark (W), Dutton, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Maritetta, Martin, Mathis, Mitchell, Moore, Newman, Nicholson, Parker, Poole, Rains, Reed, Rice, Seibels, Smith, Starkey, Tanner, Trammell, Turner, Venable, Warren and White (F).

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 570. Relating to Walker County, to amend Act 1067, S. 938 of the 1973 Regular Session (Acts 1973, p. 1802) as amended relating to the county commission, so as to delete the requirement of certain additional meetings in each district of Walker County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (John), Butler, Clark (D), Clark (W), Dutton, Faulk, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Johnson (RG), Johnson (Roy), Junkins, Kennedy,

Kvalheim, Lauderdale, McMillan, Marietta, Mathis, Mitchell, Moore, Newman, Nicholson, Parker, Perdue, Poole, Rains, Reed, Rice, Seibels, Smith, Starkey, Tanner, Thomas, Trammell, Turner, Venable, Warren and White (F).

—56

BUDGET ISOLATION RESOLUTION

On motion of Rep. Nicholson, Budget Isolation Resolution, H. B. 571, was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Boles, Bowling, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (John), Clark (D), Clark (W), Coleman, Dutton, Faulk, Ford, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McMillan, Marietta, Martin, Mathis, Mitchell, Moore, Newman, Nicholson, Parker, Perdue, Poole, Rains, Rice, Sasser, Starkey, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F) and White (G).

—56

And the bill:

H. 571. Relating to Walker County; providing a monthly expense allowance for each member of the Walker County Commission; and providing that such monthly expense allowance shall be the total expense allowance and shall be paid from the county general fund.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (John), Butler, Carter, Clark (D), Clark (W), Coleman, Dutton, Faulk, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Mitchell, Newman, Nicholson, Parker, Perdue, Poole, Rains, Reed, Rice, Richardson, Sasser, Seibels, Starkey, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F) and White (G).

—64

BUDGET ISOLATION RESOLUTION

On motion of Rep. Nicholson, Budget Isolation Resolution, H. B. 572, was adopted.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blakeney, Boles, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (James), Butler, Carter, Clark (D), Clark (W), Coleman, Dutton, Faulk, Gaston, Goodwin, Grayson, Grouby, Hall, Harper, Hettinger,

Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Mathis, Mitchell, Moore, Newman, Nicholson, Parker, Rice, Richardson, Starkey, Tanner, Thomas, Trammell, Turner, Warren, White (F), White (G) and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 572. Relating to Walker County; to provide that the county governing body may provide clerk-hire allowances to county offices and county officers and to repeal certain conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Bugg, Buskey (James), Butler, Carter, Clark (D), Clark (W), Coleman, Faulk, Gaston, Goodwin, Grayson, Grouby, Hall, Harper, Hettinger, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Mathis, Mikell, Newman, Nicholson, Parker, Poole, Reed, Rice, Richardson, Starkey, Trammell, Turner, Venable, Warren, White (F), White (G) and White (L).

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Nicholson, Budget Isolation Resolution, H. B. 573, was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Blakeney, Boles, Box, Brakefield, Brooks, Bryant, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Crow, Dutton, Faulk, Gaston, Goodwin, Grayson, Grouby, Hall, Harper, Harvey, Hettinger, Hooper, Johnson (Roy), Junkins, Kennedy,

Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Mathis, Mikell, Newman, Nicholson, Parker, Rice, Richardson, Seibels, Starkey, Tanner, Trammell, Turner, White (G) and White (L).

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 573. To provide for an additional expense allowance for the sheriff of Walker County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Boles, Box, Brakefield, Brooks, Bryant, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Coleman, Crow, Dutton, Faulk, Goodwin, Grayson, Grouby, Hall, Hammett, Harvey, Hettinger, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Marietta, Mathis, Mikell, Moore, Newman, Nicholson, Parker, Rice, Richardson, Seibels, Starkey, Tanner, Trammell, Turner, Venable, White (F), White (G) and White (L).

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Blake, Budget Isolation Resolution, H. B. 574, was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blakeney, Boles, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (James), Carter, Clark (D), Clark (W), Coleman, Crow, Faulk, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Mathis, Mikell, Moore, Newman, Nicholson, Parker, Perdue, Rice, Richardson, Starkey, Starr, Tanner, Trammell, Turner, Venable, White (F), White (L) and Zoghby.

—53

And the bill:

H. 574. Relating to St. Clair County; providing that the probate judge will be the chairman of the county commission and providing for a referendum.

Was taken up.

AMENDMENT OFFERED

Rep. Blake offered the following amendment to the bill, H. 574:

On page 1, on line 28 after the period insert:

Said salary and expense allowance provided for in Act 84-74 and Act 84-75 shall be the total compensation received by the probate judge and shall be in lieu of all other salary, emoluments, compensation or expense allowances provided by law.

On page 2, after line 17 insert the following:

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

On page 2, on line 18 delete the number "3" and insert in lieu thereof:

4

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blakeney, Boles, Box, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Carter, Clark (W), Coleman, Crow, Davis, Faulk, Ford, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Marietta, Mikell, Moore, Newman, Nicholson, Parker, Perdue, Rains, Rice, Seibels, Starkey, Starr, Tanner, Trammell, Turner, Venable, White (F), White (G) and Zoghby.

—54

And the bill, H. 574, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Boles, Bowling, Box, Brooks, Bugg, Buskey (John), Butler, Carter, Clark (J), Clark (W), Coleman, Crow, Davis, Faulk, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Perdue, Rains, Rice, Richardson, Rogers, Seibels, Starkey, Starr, Tanner, Trammell, Turner, Venable, White (F), White (G) and Zoghby.

—60

BUDGET ISOLATION RESOLUTION

On motion of Rep. Dutton, Budget Isolation Resolution, H. B. 579, was adopted.

Yeas 56; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Blakeney, Boles, Box, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Carter, Clark (W), Coleman, Crow, Davis, Faulk, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Marietta, Mathis, Moore, Newman, Nicholson, Parker, Perdue, Rains, Rice, Rogers, Starkey, Starr, Trammell, Turner, Venable, White (F), White (G) and Zoghby.

—56

Nay: Rep. Blake.

—1

And the bill:

H. 579. Relating to Lawrence County; providing further for the compensation of election officials.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Blake, Boles, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Clark (D), Clark (W), Coleman, Crow, Davis, Faulk, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Marietta, Mathis, Mikell, Moore, Newman, Nicholson, Parker, Perdue, Preuitt, Rains, Reed, Rice, Richardson, Seibels, Starkey, Starr, Trammell, Turner, Venable, White (F), White (L) and Zoghby.

—58

BUDGET ISOLATION RESOLUTION

On motion of Rep. Dutton, Budget Isolation Resolution, H. B. 580, was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Boles, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Clark (D), Clark (W), Coleman, Crow, Davis, Faulk, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Mathis, Mikell, Moore, Newman, Nicholson, Perdue, Rains, Reed, Rice, Rogers, Seibels, Starkey, Starr, Trammell, Turner, Venable, White (F), White (G), White (L) and Zoghby.

—56

And the bill:

H. 580. Relating to Lawrence County; providing certain additional compensation for the members of the board of registrars to be paid from the county general fund.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Clark (D), Clark (W), Crow, Davis, Faulk, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, McNair, Marietta, Mathis, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Perdue, Preuitt, Rains, Reed, Rice, Richardson, Starkey, Starr, Trammell, Turner, Venable, White (F), White (G), White (L) and Zoghby.

—59

BUDGET ISOLATION RESOLUTION

On motion of Rep. Dutton, Budget Isolation Resolution, H. B. 581, was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Buskey (John), Campbell, Carter, Clark (D), Clark (W), Crow, Faulk, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Mikell, Newman, Newton, Nicholson, Perdue, Rains, Reed, Rice, Richardson, Rogers, Seibels, Starkey, Starr, Trammell, Turner, Venable, White (F) and Zoghby.

—55

And the bill:

H. 581. Relating to Lawrence County, to amend Act 79-86, H. 50, 1979 Regular Session (Acts of 1979, p. 110), so as to grant exclusive control of the pistol permit fee fund to the sheriff.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Blake, Blakeney, Boles, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (John), Carter, Clark (D), Clark (W), Crow, Davis, Faulk, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, McNair, Marietta, Martin, Mathis, Mikell, Moore, Newman, Newton, Nicholson, Perdue, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Seibels, Spratt, Starkey, Starr, Trammell, Turner, Venable, White (F), White (G), White (L) and Zoghby.

—63

BUDGET ISOLATION RESOLUTION

On motion of Rep. Junkins, Budget Isolation Resolution, H. B. 614, was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Boles, Brakefield, Brooks, Bryant, Bugg, Carter, Clark (D), Clark (W), Crow, Davis, Faulk, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Mikell, Moore, Newman, Newton, Nicholson, Parker, Penry, Perdue, Preuitt, Rains, Rice, Rogers, Seibels, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Venable, White (F), White (L) and Zoghby.

—58

And the bill:

H. 614. Relating to Etowah County; to provide for the filing for record and the preservation of all final orders and judgments of the court in criminal cases made by any judge of the circuit court.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Crow, Davis, Dutton, Faulk, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Parker, Penry, Perdue, Pratt, Preuitt, Reed, Richardson, Rogers, Seibels, Spratt, Starkey, Tanner, Trammell, Turner, Venable and White (F).

—63

BUDGET ISOLATION RESOLUTION

On motion of Rep. Fuller, Budget Isolation Resolution, H. B. 624, was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (W), Crow, Dutton, Faulk, Fuller, Goodwin, Grayson, Hall, Hammett, Harper, Harvey, Hettinger, Junkins, Kennedy, Laird, Lauderdale, Lindsey, McMillan, Martin, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Preuitt, Rains, Reed, Seibels, Starkey, Starr, Tanner, Turner, Venable, White (G), White (L) and Zoghby.

—56

And the bill:

H. 624. Relating to Chambers County; authorizing the county commission to levy an additional ad valorem tax in said county to be used for general purposes and providing for a referendum.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (W), Crow, Davis, Dutton, Faulk, Fuller, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Harvey, Hettinger, Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Martin, Mikell, Mitchell, Moore, Newman, Nicholson, Penry, Perdue, Preuitt, Rains, Reed, Rogers, Starkey, Tanner, Turner, Venable, White (F), White (G), White (L) and Zoghby.

—60

BUDGET ISOLATION RESOLUTION

On motion of Rep. Mathis, Budget Isolation Resolution, H. B. 655, was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Clark (D), Clark (W), Crow, Dutton, Faulk, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Mathis, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Penry, Perdue, Poole, Preuitt, Rains, Spratt, Tanner, Trammell, Turner, Venable, White (F), White (G), White (L) and Zoghby.

—56

And the bill:

H. 655. Relating to Geneva County; providing an expense allowance to the superintendent of education for the period retroactive from July 1, 1984, through June 30, 1985, payable from the county treasury; and providing for an automatic repealer July 1, 1985.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Bryant, Bugg, Burke, Buskey (John), Campbell, Carter, Clark (D), Clark (W), Crow, Dutton, Faulk, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Harper, Hettinger, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Moore, Newman, Newton, Nicholson, Onderdonk, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Seibels, Spratt, Tanner, Trammell, Turner, White (F) and Zoghby.

—53

BUDGET ISOLATION RESOLUTION

On motion of Rep. Mathis, Budget Isolation Resolution, H. B. 656, was adopted.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Blakeney, Box, Brakefield, Brooks, Bryant, Bugg, Burke, Buskey (John), Campbell, Carter, Clark (D), Clark (W), Crow, Davis, Faulk, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Mathis, Moore, Newman, Newton, Nicholson, Perdue, Poole, Pratt, Preuitt, Rains, Rogers, Seibels, Spratt, Starr, Tanner, Turner, Venable, White (F), White (L) and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 656. Relating to the salary of the Geneva County Superintendent of Education; establishing an index range for such salary parallel to the current salary for teachers holding the same academic degree, certification level and experience; providing for the Geneva County Board of Education to set such salary.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Bryant, Bugg, Burke, Buskey (James) Buskey (John), Campbell, Carter, Clark (D), Clark (W), Crow, Davis, Dutton, Faulk, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Mathis, Mikell, Moore, Newman, Newton, Nicholson, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Seibels, Spratt, Starr, Tanner, Trammell, Turner, Venable, White (F), White (L) and Zoghby.

—61

BUDGET ISOLATION RESOLUTION

On motion of Rep. Johnson (RG), Budget Isolation Resolution, H. B. 671, was adopted.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Carter, Clark (D), Clark (W), Crow, Faulk, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Hettinger, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey,

McMillan, Mikell, Moore, Newman, Newton, Nicholson, Penry, Perdue, Poole, Preuitt, Rains, Seibels, Spratt, Starkey, Tanner, Turner, Venable, White (F) and White (L).

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 671. To extend, alter and rearrange the boundary lines and corporate limits of the City of Sylacauga, Talladega County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Blake, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Campbell, Carter, Clark (D), Crow, Faulk, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Johnson (RG), Kennedy, Kvalheim, Lauderdale, McMillan, Moore, Newman, Newton, Nicholson, Perdue, Poole, Preuitt, Rains, Reed, Spratt, Tanner, Venable, White (F) and White (L).

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Laird, Budget Isolation Resolution, H. B. 696, was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bugg, Buskey (John), Campbell, Carter, Clark (D), Crow, Davis, Dutton, Faulk, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Kennedy, Kvalheim, Laird, Lauderdale, McMillan, Mikell, Moore, Newman, Newton, Nicholson, Penry, Perdue, Poole, Preuitt, Rains, Reed, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Venable, White (F) and White (L).

—54

And the bill:

H. 696. Relating to Randolph County; to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to

provide that the provisions of this act shall be retroactive to January 18, 1983.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bryant, Buskey (John), Carter, Clark (D), Crow, Dutton, Faulk, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McMillan, Newman, Newton, Nicholson, Penry, Perdue, Poole, Preuitt, Rains, Seibels, Smith, Spratt, Starr, Tanner, Trammell, Venable, White (F) and White (L).

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Laird, Budget Isolation Resolution, H. B. 697, was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (John), Carter, Clark (D), Coleman, Crow, Davis, Faulk, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Kennedy, Kvalheim, Laird, Lauderdale, McMillan, Mitchell, Newman, Newton, Nicholson, Parker, Penry, Perdue, Poole, Preuitt, Rains, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Trammell, Venable, White (F), White (L) and Zoghby.

—54

And the bill:

H. 697. Relating to Clay County; to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to provide that the provisions of this act shall be retroactive to January 18, 1983.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (John), Butler, Carter, Clark (D), Coleman, Crow, Davis, Dutton, Faulk, Gaston, Goodwin, Grayson, Grouby, Hall,

Hammett, Harper, Hettinger, Hooper, Kennedy, Kvalheim, Laird, Lauderdale, McMillan, Mitchell, Moore, Newman, Newton, Nicholson, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Tanner, Trammell, Turner, Venable, White (F), White (L) and Zoghby.

—61

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Turner offered the motion to suspend the rules in order to reconsider the vote by which the bill, H. 179 as amended, was passed, and the motion to reconsider was adopted.

H. 179 TEMPORARILY POSTPONED

On motion of Rep. Turner, consideration of the bill, H. 179 as amended, was temporarily postponed.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Buskey (James), Budget Isolation Resolution, S. B. 272, was adopted.

Yeas 31; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Blakeney, Brooks, Butler, Clark (D), Coleman, Crow, Davis, Goodwin, Grouby, Hall, Hammett, Hettinger, Lauderdale, Moore, Newman, Nicholson, Perdue, Poole, Preuitt, Rains, Reed, Rogers, Seibels, Venable, White (F), White (G), White (L) and Zoghby.

—31

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 272. Relating to Mobile County; to prohibit the distribution of campaign literature or other campaign materials within certain distance of polling places on any election day.

Was read a third time at length and passed.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Blake, Box, Brooks, Buskey (James), Butler, Clark (D), Clark (W), Coleman, Fuller, Gaston, Goodwin, Grouby, Hall, Harper, Harvey, Hettinger, Junkins, Kennedy, Kvalheim, Lauderdale,

Newman, Nicholson, Parker, Perdue, Poole, Preuitt, Rains, Reed, Richardson, Seibels, Starkey, Turner, White (F), White (G), White (L) and Zoghby.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Zoghby, Budget Isolation Resolution, S. B. 265, was adopted.

Yeas 32; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Box, Brakefield, Brooks, Bugg, Clark (D), Clark (W), Coleman, Fuller, Gaston, Goodwin, Hall, Hammett, Harper, Hettinger, Kennedy, Kvalheim, Lauderdale, Marietta, Nicholson, Perdue, Poole, Preuitt, Rains, Seibels, Turner, White (F), White (G), White (L) and Zoghby.

—32

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 265. Relating to the City of Prichard in Mobile County, Alabama; prescribing procedure for filling a vacancy in the office of mayor in such city.

Was read a third time at length and passed.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Box, Brakefield, Brooks, Bugg, Butler, Clark (D), Clark (W), Coleman, Davis, Faulk, Gaston, Goodwin, Grouby, Hall, Harper, Harvey, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Martin, Newman, Nicholson, Perdue, Poole, Preuitt, Rains, Reed, Rogers, Sasser, Seibels, Tanner, Turner, White (F), White (G), White (L) and Zoghby.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Zoghby, Budget Isolation Resolution, S. B. 262, was adopted.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Box, Brakefield, Brooks, Bugg, Butler, Clark (D), Coleman, Davis, Faulk, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Hettinger, Hooper, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Newman, Nicholson, Perdue, Poole, Preuitt, Rains, Reed, Seibels, Starkey, Tanner, Turner, White (F), White (G), White (L) and Zoghby.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 262. Relating to Mobile County; prescribing procedure for filling certain vacancies on the county commission.

Was read a third time at length and passed.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Box, Brakefield, Brooks, Bugg, Butler, Clark (D), Clark (W), Coleman, Davis, Faulk, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Hettinger, Hooper, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Moore, Newman, Nicholson, Perdue, Poole, Pratt, Rains, Reed, Seibels, Starkey, Tanner, Turner, White (F), White (L) and Zoghby.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 544. Providing for the development and establishment of an incentive-based pay plan for the teachers of the public schools of Alabama; provides career incentives for public school teachers; initiating a program of perform-

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ance appraisal; establishing salary progressions for education personnel; and providing for the implementation of this act.

JIMMY CLARK,
Chairman.

And the bill, H. 544 as engrossed, was ordered sent to the Senate.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Buskey (James), Budget Isolation Resolution, S. B. 270, was adopted.

Yeas 39; Nays 1.

Yeas:

Mr. Speaker, Albright, Beasley, Box, Brakefield, Brooks, Butler, Clark (D), Clark (W), Davis, Faulk, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Newman, Nicholson, Perdue, Poole, Rains, Reed, Rogers, Seibels, Starkey, Turner, Turnham, Venable, White (L) and Zoghby.

—39

Nay: Rep. Preuitt.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 270. (With Amendments): Relating to Mobile County; providing for additional volunteer deputy registrars; providing for their appointments upon the recommendation of the representatives and senators from Mobile County; providing that such volunteer deputy registrars shall serve without pay; and setting the terms concurrently with the legislator making the recommendation for said volunteer.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend S. B. 270, page 2, Section 3, lines 17 and 18, after the word "purged" by adding a period ; and by striking the following language: and reasons for the purging of any voter.

And the amendment was adopted.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Beers, Box, Brakefield, Brooks, Bugg, Buskey (James), Butler, Clark (D), Clark (W), Faulk, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Junkins, Kennedy,

Kvalheim, Lauderdale, Lindsey, Marietta, Newman, Nicholson, Poole, Preuitt, Rains, Reed, Starkey, Tanner, Turner, Venable, White (F), White (G), White (L) and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend S.B. 270, page 2, Section 4, lines 27 and 28, after the word "purged" by adding a comma, and strike the following language: ~~and reasons for the purging of any voter,~~

And the amendment was adopted.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Clark (D), Clark (W), Faulk, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Newman, Nicholson, Perdue, Poole, Preuitt, Rains, Starkey, Tanner, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment #3 reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend S.B. 270, page 3, Section 5, lines 4 through 8 after the word "Registrars." by striking in its entirety.

And the amendment was adopted.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Box, Brakefield, Brooks, Bryant, Buskey (James), Buskey (John), Butler, Clark (D), Clark (W), Faulk, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger,

Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Newman, Nicholson, Poole, Preuitt, Rains, Starkey, Tanner, Turner, Turnham, Venable, White (F), White (L) and Zoghby.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 270 as thus amended, was read a third time at length and passed.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (James), Butler, Clark (D), Clark (W), Crow, Faulk, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Moore, Newman, Nicholson, Poole, Preuitt, Rains, Starkey, Tanner, Turner, Turnham, Venable, White (F) and White (L).

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution, H. B. 639, was adopted.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Bowling, Brakefield, Brooks, Browder, Bryant, Butler, Clark (D), Clark (W), Crow, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Mitchell, Newman, Nicholson, Perdue, Poole, Preuitt, Starkey, Starr, Tanner, Turner, Turnham, Venable, White (F), White (L) and Zoghby.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 639. Relating to Mobile County; authorizing the judge of probate to sell lists of voters to certain candidates and providing for the disposition of funds from said sales.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Bowling, Box, Brakefield, Brooks, Bryant, Butler, Clark (D), Clark (W), Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mitchell, Newman, Nicholson, Perdue, Poole, Preuit, Rains, Reed, Starkey, Tanner, Turner, Turnham, Venable, White (L) and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 179 AGAIN TAKEN UP

And the bill, H. 179 as amended, which was previously temporarily postponed, was again taken up.

SUBSTITUTE OFFERED

Rep. Turner offered the following substitute to the bill, H. 179 as amended:

A BILL TO BE ENTITLED AN ACT

To provide a supplement to the salaries of circuit court bailiffs in the Thirteenth Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to the salaries paid to the bailiffs serving in the circuit court of the Thirteenth Judicial Circuit by the State, there shall also be paid to each of said bailiffs a supplemental salary in the sum equal to forty percent (40%) of the salary paid each of said bailiffs by the State. At the discretion of the Mobile County Commission, said supplemental salary shall be paid out of the general fund of the county in equal installments at the same time and in the same manner that the salaries of other county employees are paid.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

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SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Buskey (John), Butler, Clark (D), Clark (W), Crow, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Mitchell, Newman, Newton, Nicholson, Perdue, Poole, Preuitt, Rains, Reed, Spratt, Starkey, Tanner, Turner, Turnham, Venable, White (L) and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Turner offered the following amendment #1 to the bill, H. 179 as amended:

Amend H. B. 179, page 1, line 17 after the word "circuit" by adding the following: or district

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Butler, Clark (D), Clark (W), Crow, Davis, Gaston, Gray, Grayson, Grouby, Hall, Hammett, Hettinger, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Newman, Newton, Nicholson, Perdue, Poole, Preuitt, Rains, Spratt, Tanner, Turner, Venable and White (L).

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Turner offered the following amendment #2 to the bill, H. 179 as amended:

Amend H. B. 179, page 1, Section 1, line 18, after the word "there" by striking ~~shall~~ and inserting in lieu thereof the following: may

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Clark (D), Clark (W), Crow, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Newman, Newton, Nicholson, Perdue, Poole, Preuitt, Rains, Spratt, Starkey, Tanner, Turner, Venable, White (G), White (L) and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Turner offered the following amendment #3 to the bill, H. 179 as amended:

Amend H. B. 179, page 1, line 19, after the word "salary" by striking ~~in~~ and inserting in lieu thereof the following: not to exceed

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Blake, Blakeney, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Clark (W), Crow, Davis, Gaston, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Newman, Newton, Nicholson, Perdue, Poole, Preuitt, Rains, Richardson, Spratt, Starkey, Tanner, Turner, Venable, White (G), White (L) and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 179, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Clark (D), Clark (W), Crow, Davis, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Hettinger, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Newman, Newton, Nicholson, Perdue, Poole, Preuitt, Rains, Richardson, Rogers, Spratt, Starkey, Tanner, Turner, Venable, White (L) and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Buskey (James) offered the motion to suspend the rules in order to reconsider the vote by which the bill, S. 270 as amended, was passed, and the motion to reconsider was adopted.

And the bill, S. 270 as amended, was again taken up.

SUBSTITUTE AMENDMENT OFFERED

Rep. Buskey (James) offered the following substitute amendment to the amendment #1 reported by the Standing Committee on Local Legislation No. 3:

Amend S. B. 270, page 2, Section 3, lines 17 and 18, after the word "purged" by adding a period ; and by striking the following language: ~~and reasons for the purging of any voter.~~

SUBSTITUTE AMENDMENT ADOPTED

And the substitute amendment was adopted.

Yeas 28; Nays 0.

Yeas:

Mr. Speaker, Albright, Bowling, Box, Brooks, Bugg, Butler, Clark (D), Crow, Gaston, Goodwin, Hall, Hammett, Hettinger, Junkins, Kennedy, Kvalheim, Lauderdale, Newman, Newton, Penry, Perdue, Poole, Rains, Spratt, Turner, Venable and Zoghby.

—28

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 270 as thus amended, was again read a third time at length and passed.

Yeas 34; Nays 0.

Yeas:

Mr. Speaker, Albright, Bowling, Box, Brakefield, Brooks, Bugg, Buskey (James), Butler, Clark (D), Davis, Gaston, Goodwin, Hall, Hammett, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Mikell, Newman, Newton, Perdue, Poole, Rains, Spratt, Starkey, Turner, Venable, White (F), White (G) and Zoghby.

—34

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RECESS

The hour of 3:20 o'clock p.m. having arrived, the House stood in recess.

JOINT SESSION

The hour of 3:30 o'clock p.m. having arrived, the Senate and House of Representatives of the Legislature of Alabama met in joint session in the Hall of the House of Representatives, in accordance with H. J. R. 53 heretofore adopted, for the purpose of hearing an address by Mr. John Walsh, Director of National Child Find program.

The session was called to order by Honorable Bill Baxley, Lieutenant Governor and Presiding Officer of the Senate.

Thereupon, Mr. Walsh delivered his address to the Members of the Legislature of Alabama.

The Lieutenant Governor and Presiding Officer of the Senate then announced that the purpose of the joint session having been accomplished, the Senate would retire to its Chamber.

The Speaker of the House then called the House to order.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 168. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That upon reaching the Calendar, the following bills in the order listed below, along with Budget Isolation Resolutions pertinent thereto and attached hereto, shall be made the special, paramount and continuing order of business for the 13th Legislative Day of the 1985 Regular Session, Tuesday, March 26, 1985, taking precedence over any pending or unfinished business or any other business of the House under discussion:

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H. 626—By Starkey

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Ratification of organization and operation of regional planning and development commissions

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<u>H. 88</u> —By Hall	21
Wheat and feed grains, promotion of production, use and improvement, consti. amend.	
<u>H. 89</u> —By Hall	22
Wheat and feed grains, promotion of production, use and improvement, powers and duties of Agriculture and Industries Department	
<u>H. 194</u> —By White (L)	16
Pharmacists, license fee incr., Secs. 34-23-30, 34-23-32, 34-23-50, 34-23-52	
<u>H. 58</u> —By Harvey	30
Forest products, severance of at an increased tax rate, Sec. 9-13-82(a) am'd.	
<u>H. 602</u> —By Harvey	70
Forestry Commission, supp. approp.	
<u>H. 603</u> —By Davis	81
Indian Affairs Commission, membs. to incld. the Ma-Chis Lower Creek Indian Tribe, Sec. 41-9-708 am'd.	
<u>H. 466</u> —By Johnson (Roy) (As Amended)	43
Motor vehicles, casting light from at night, hours prohibited alt., Sec. 32-5-17 am'd.	
<u>H. 203</u> —By Coleman	59
Teachers retirement system, support personnel to elect two members to board of control	
<u>H. 75</u> —By Seibels	38
Bestiality, crim. penalties provided, Secs. 13-6-60, 13A-6-64 am'd.	
<u>H. 280</u> —By Carothers	16
Hazardous waste storage facilities and disposal sites. Dept. of Environmental Management to monitor, Secs. 22-30-4 and 22-30-18 am'd. Secs. 22-30-5 and 22-30-7 repealed.	
<u>H. 629</u> —By Clark (J)	84
Mental Health Department and Mental Retardation, established as special school district, district superintendent of education appointed by commissioner	
<u>H. 103</u> —By Starr (As Amended)	10
Public contracts, expenditure of public funds for leases, regulated	
<u>H. 275</u> —By Kennedy	29
Telephone call boxes, on cert. highways, auth.	

<u>H. 358</u> —By Warren (As Substituted)	53
Arson further def., relating to malicious burning of woodlands, Sec. 9-13-11 am'd: Ala. Wood Lands Protection act.	
<u>H. 95</u> —By Clark (J)	18
Dentistry, practice of by dentists and dental hygienists, further reg. Secs. 34-9-1, 34-9-9, 34-9-11, 34-9-17, 34-9-18, 34-9-22, 34-9-25, 34-9-26, 34-9-27, 34-9-29, 34-9-41 and 34-9-43 am'd.	
<u>H. 606</u> —By Blake	82
Wreckers, exempt from Public Service Commission reg., Sec. 37-3-4 am'd.	
<u>H. 146</u> —By Biddle	10
Bid law, state hospitals exempt	
<u>H. 490</u> —By Holley	69
District Court judge, salary regulated	
<u>H. 590</u> —By Holley	65
Water Pollution Control Grant Fund created; Ala. Dept. Environ. Mgt. to make grants to cos., muns., or publ corp. for pub. corp. for purposes of constructing sewage treatment facilities.	
<u>H. 9</u> —By Crow	14
Bid law, minimum amt. of contracts, incr., Sec. 41-16-50 am'd.	
<u>H. 40</u> —By Onderdonk	42
Municipal ordinances, bail of persons changed under, judgments of municipal courts, appeal to circuit court, Secs. 12-14-5 and 12-14-70 am'd.	
<u>H. 116</u> —By Campbell	2
Administrative Procedure Act, Chapter 22, Title 41 am'd.	
<u>H. 242</u> —By Gaston	21
Worthless checks, presentation of for valid debt, provided, Sec. 13A-9-13.1 am'd	
<u>H. 312</u> —By Parker (As Substituted)	60
Education, requires certain regulations pertaining to personnel records of employees	
<u>H. 342</u> —By Carter	71
State Park Revolving Fund, allocation made for major repairs, maintenance service, capital outlay and imp. to land, bldgs. and equip., Sec. 9-2-107 am'd.	
<u>H. 451</u> —By Harper	43
Oysters, sacking and tagging, regulated	

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H. 461—By White (F) 77

Writ of habeas corpus, granted without delay, exceptions, Sec. 15-21-8 am'd.

H. 400—By Cosby 52

Juvenile court proceedings further prescribe, upon transfer and certification as an adult offender thereafter tried as adult offender in same courts

H. 172—By Smith 23

Agricultural Development Authority

H. 214—By Martin 27

Cities with certain populations, new council form of gov't. created, Sec. 11-43-40 amended.

H. 600—By Turnham (As Substituted) 63

Alabama Manufactured Housing Comm. created

H. 430—By Penry 50

Municipal corporations, validation of cert. attempted incorporations invalidated by procedure irregularities

H. 220—By Box 9

Judgments entered pursuant to pro tanto settlement clarified for inclusion with written receipts, releases, etc. Sec. 12-21-109 am'd.

H. 112—By White (L) 27

Health and accident self-insurance group authorized for officers and employees of municipalities, use of public funds authorized

H. 447—By Junkins 68

Teacher retirement system, cert. teachers eligible for retirement but remains active at death, surviving spouse benefits reg., Sec. 16-25-14 am'd.

H. 521—By Grayson 85

Alabama A & M University, bd. of trustees, meetings, quorum alt., Secs. 16-49-26 and 16-49-27 am'd.

H. 468—By Thomas 48

Voting, Dep. Registrar req. to be at court house during all official hours. Bd. of Registrars req. to be open certain time prior to election deadline.

S. 215—By Smith (J) 81

State employees; payroll deductions from paychecks regulated

H. 457—By Laird (As Substituted) 50

Onsite disposal systems regulated prior to subdivision being approved

H. 646—By Tanner 73

Child care facilities, records and background information

On motion of Rep. Clark (J), the resolution, H. R. 168, was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Starkey, Budget Isolation Resolution, H. B. 626, was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blakeney, Box, Brakefield, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Crow, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lindsey, McMillan, Martin, Mathis, Melton, Mikell, Newman, Parker, Penry, Poole, Rains, Richardson, Seibels, Smith, Spratt, Starkey, Turner, Venable, White (F) and Zoghby.

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And the bill:

H. 626. To ratify and confirm the organization and operation of twelve regional planning and development commissions in state planning and development districts designated and established by executive order of the Governor pursuant to section 11-85-51, Code of Alabama 1975; and to authorize certain contracts for the purpose of receiving and disbursing governmental and private funds for certain federal, state and local programs.

WHEREAS, the Governor of Alabama by executive order has heretofore defined, designated and established twelve state planning and development districts throughout and within the state of Alabama in keeping with the provisions of section 11-85-51, Code of Alabama 1975; and

WHEREAS, under the provisions of sections 11-85-52 through 11-85-59, Code of Alabama 1975, regional planning and development commissions were authorized to be created by the various governmental units within respective districts; and

WHEREAS, it appears that in attempting to comply with such statutory provisions in the creation of regional planning and development commissions, the various governmental units participating failed to comply with the technical statutory requirements in the creation of their respective regional planning and development commissions within their respective districts, and created their respective commissions in various forms, by formation of nonprofit corporations, by various resolutions of local governments, and by agreements, and/or compacts between local governments; and

WHEREAS, such purported regional planning and development commissions have operated for a number of years as legally created commissions within their respective districts, and have entered into, performed, and administered and are now performing and administering numerous and varied contracts and have expended and are now expending thereunder federal, state, local governmental and/or private funds for various and sundry programs; now therefore,

Was taken up.

AMENDMENT OFFERED

Rep. Starkey offered the following amendment to the bill, H. 626:

On page 3, line 27, after the language, "nonprofit corporations" insert a comma.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (John), Carothers, Carter, Clark (D), Clark (J), Crow, Davis, Ford, Fuller, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lindsey, McMillan, Mathis, Mikell, Newman, Parker, Penry, Poole, Preuitt, Rains, Richardson, Seibels, Smith, Spratt, Starkey, Turner, Venable, White (F), White (L) and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 626, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Crow, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, McNair, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Newton, Onderdonk, Parker, Penry, Poole, Pratt, Preuitt, Rains, Richardson, Seibels, Smith, Spratt, Starkey, Turner, Venable, Warren, White (F), White (L) and Zoghby.

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BUDGET ISOLATION RESOLUTION

On motion of Rep. Hall, Budget Isolation Resolution, H. B. 89, was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (John), Butler, Carothers, Clark (D), Coleman, Crow, Faulk, Ford, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, McMillan, Mathis, Mikell, Newman, Newton, Parker, Penry, Poole, Pratt, Preuitt, Rains, Richardson, Seibels, Smith, Spratt, Starkey, Starr, Trammell, Turner, Venable, White (F) and Zoghby.

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H. 89 TEMPORARILY POSTPONED

On motion of Rep. Hall, the bill, H. 89, was temporarily postponed.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hall, Budget Isolation Resolution, H. B. 88, was adopted.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Carothers, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Mathis, Melton, Mikell, Mitchell, Newman, Newton, Onderdonk, Parker, Penry, Poole, Pratt, Preuitt, Rains, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

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And the bill:

H. 88. To propose an amendment to the Constitution of 1901, authorizing the Legislature to provide for promotion of production, distribution, marketing, use, improvement and sale of wheat and other feed grains as defined and authorized by the Legislature.

Was taken up.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Laird:

H. R. 169. COMMENDING DOCTOR GEORGE C. SMITH OF LINEVILLE, ALABAMA, PRESIDENT OF THE ALABAMA CATTLEMEN'S ASSOCIATION.

ADJOURNMENT

On motion of Rep. Adams and pursuant to the motion heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, March 28, 1985.

REGULAR SESSION
14th Day

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FOURTEENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, March 28, 1985

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend M. Keith Gaines, First Baptist Church, Columbia, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the thirteenth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Johnson (Roy), the reading at length of the Journal of the House for the thirteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the thirteenth legislative day was approved.

REPORT FILED

Pursuant to Act No. 84-77 of the Legislature of Alabama, Chief Justice C. C. Torbert, Jr. submitted the report of the Joint Legislative-Judicial Committee to Study, Develop Plans, and Make Recommendations for a New Judicial Building for the State of Alabama, and the report was ordered filed.

LEAVE OF ABSENCE

At the request of Rep. Tanner, leave of absence was granted for Rep. Fuller.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 526. Relating to any Class 2 municipality; providing for a referendum on the question of adoption of a court ordered district commission form of government or a mayor-council form of government; establishing in the alternative said forms of government; providing that the provisions of this act are inseparable and nonseverable; and providing for penalties for violations of certain provisions of this act.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Zoghby, the House concurred in and adopted the Senate amendment to the bill, H. 526, said Senate amendment being as follows:

On page 1, in section 2 strike the words, April 16, and substitute in lieu thereof the following:

May 14,

On page 11, line 22, delete the period and insert in lieu thereof:

and the Airport Authority and the Industrial Development Authority.

On page 11, line 28, after the word "property" insert the following language:

, sales

On page 22, line 1, delete the language "Planning Commission" and insert in lieu thereof:

Airport Authority and the Industrial Development Authority. The members of the Airport Authority and Industrial Development Authority shall be subject to confirmation by a vote of five members of the council,

On page 22, line 2, after the period, insert the following language:

The members of the Planning Commission shall be appointed pursuant to Section 11-52-3, Code of Alabama 1975.

On page 22, delete in its entirety Section 38, lines 24 through 29, and insert in lieu thereof the following:

Section 38. (a) There are hereby created three divisions of city government: public works, finance and public safety. Each division may have an

executive director appointed by the mayor with the approval of a vote of five members of the council, who shall be an officer of the city and shall be responsible for the supervision and control of such officer's jurisdiction. Said executive director shall not be subject to the city merit system and shall serve at the pleasure of the mayor; provided, however, each such officer shall be removed from office only upon recommendation of the mayor and approval of five council members. Upon the first vacancy, of any nature whatsoever, in the office of police chief or fire chief, the mayor may appoint the police chief and fire chief, respectively, from outside the said merit system, with the approval of five members of the council who shall serve at the pleasure of the mayor; provided, however, such officers shall be removed from office only upon recommendation of the mayor with the approval of five council members.

(b) The mayor also is authorized to appoint a city attorney who shall serve at the pleasure of the mayor and shall be compensated in the manner and at a rate approved by the mayor. In addition to the city attorney, the mayor, from time to time in his sole discretion, is authorized to obtain additional legal counsel outside of the city merit system to advise and defend him in his capacity of mayor and in the pursuit of the operation of government.

(c) Upon approval by a majority of those present and voting, the council, from time to time when it deems necessary and reasonable, is authorized to obtain legal counsel outside the city merit system to advise and defend them in their respective capacities as council members and in the pursuit of the operation of government.

On page 48, line 2, after the word "shall", insert the following language:
make every reasonable effort to

On page 48, line 5, after the word "shall", insert the following language:
make every reasonable effort to

On page 48, lines 24 through 31, delete all the language and insert in lieu thereof:

Section 94. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Yeas 18; Nays 1.

Yeas:

Reps. Box, Brakefield, Bugg, Buskey (James), Butler, Gaston, Harper, Harvey, Kennedy, Kvalheim, McMillan, Marietta, Penry, Rains, Reed, Seibels, Turner and Zoghby.

—18

Nay: Rep. Clark (W).

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

CO-SPONSORS ADDED

Reps. Buskey (James), Box, Kennedy and Harper were added as co-sponsors to the bill, H. 526.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Bishop, Foshee, Teague, Cooley, Aldridge, Denton, Dixon, Dial, Little, Bailey, Drinkard, Covington, Figures, Bedsole, Bennett, Hilliard, Ellis, Menton, deGraffenried, Hand and Smith (J):

S. J. R. 83. ESTABLISHING THE JOINT INTERIM COMMITTEE ON COUNTY HEALTH SERVICES.

WHEREAS, county departments of health provide essential health services to all of Alabama's 3.9 million citizens whether they reside within the incorporated or unincorporated areas of the state; and

WHEREAS, the growth of the demands for new and expanded county health services by both urban and rural citizens has reached heights never before experienced in this state; and

WHEREAS, it is essential that county boards of health have the necessary statutory authority to provide the needed services and at the lowest possible cost to the taxpayers of Alabama; now therefore

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES CONCURRING, That in order to suggest to State Legislators sound, workable and financially feasible methods of administration for Alabama's county health services, there is hereby established a Joint Interim Committee on County Health Services of the Legislature of Alabama, to be composed of eight (8) members of the Legislature—four (4) from the House, to be appointed by the Speaker of the House, and four (4) from the Senate, to be appointed by the Lieutenant Governor. It shall be the duty and function of the Committee to completely analyze the present status of county health services in Alabama and to make such recommendations for legislation and which it considers necessary or desirable to enable the county boards of health of this state to better meet and supply the needs and demands of the citizens of this state.

In reviewing the status and laws of county health services in Alabama, the Committee shall consider but shall not limit its consideration to the following items:

(1) The functions and responsibilities of county boards of health in providing services and facilities to the residents of the state, and whether or not additional legislation is needed or desirable to enable county boards of health to provide reasonable and adequate standards of health services and facilities;

(2) The legal framework of local health services in Alabama, the power and authority presently enjoyed by county boards of health heretofore granted

by the Legislature, and the restrictions placed on county governments by the Legislature and whether or not there is need for legislation to broaden the powers and authority of said county boards of health so as to give them more freedom in fulfilling their responsibilities to the citizens of the state;

(3) The financial resources of county boards of health in Alabama and what legislation, if any, is needed to provide more adequate financial resources for support of county health services; and

(4) The impact of industrialization and rapid suburban development on the ability of county health departments to provide reasonable and adequate standards of health services and facilities to Alabama citizens and what legislation is necessary or desirable to enable county boards of health to provide a better standard of health services and facilities.

BE IT FURTHER RESOLVED, that the Committee shall not consume more than forty-five (45) working days in performing its functions and that its work be finished in time for the preparation of a preliminary report to be submitted during the first week of the 1986 Regular Session of the Legislature of Alabama and a final report to be submitted during the 1986 Regular Session of the Legislature of Alabama and that as far as practicable that all meetings of the Committee be held in the State Capitol and be open to the public. The Secretary of the Senate or Clerk of the House is hereby required to provide one clerk, who shall be a competent stenographer, and the Committee is hereby empowered to employ such other personnel, including reporters and attorneys, as the Committee shall deem necessary. The staff and facilities of the Legislature shall be available to this committee and the chairman of the committee is authorized to call meetings and issue subpoenas for persons and documents to be caused to appear before said committee. The Committee is hereby empowered and authorized to expend funds for the purpose of correspondence with prospective witnesses, in preparation of reports and in general expenses incident to the work of the Committee. Each member of the Committee shall be entitled to regular legislative compensation, per diem and travel expenses for each day he or she attends a meeting of the Committee which shall be paid out of the funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the Committee's chairman, provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session. The Chairman of the Committee shall certify the sums due to the clerk or other employees of the Committee. The total amount of funds expended by the Committee in carrying out the study shall not exceed the sum of Thirty Thousand Dollars (\$30,000.00). The Lieutenant Governor and the Speaker of the House shall jointly designate one of the members of the Committee as Chairman and one member to be Vice-Chairman. The Lieutenant Governor and the Speaker of the House shall be ex officio members of the Committee and shall receive compensation at the rate paid other members for each day that they sit with this Committee or in handling any other matters agreed upon by the Committee in line with the general purpose of the Committee.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 83, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Foshee, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Goodwin, Hand, Hilliard, Holmes, Horn, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Strong and Teague:

S. J. R. 71. MOURNING THE DEATH OF JESSE FOY COVINGTON OF THE BERTHA COMMUNITY, DALE COUNTY, ALABAMA.

Also:

By Senator deGraffenried:

S. J. R. 72. HONORING JAMES B. MacMILLAN.

Also:

By Senators Teague, Foshee, Covington, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Goodwin, Hand, Hilliard, Holmes, Horn, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J) and Strong:

S. J. R. 73. COMMENDING JOURNALIST BESSIE FORD FOR DISTINGUISHED SERVICE AS A MEMBER OF THE CAPITOL PRESS CORPS.

Also:

By Senator Langford:

S. J. R. 74. HONORING ST. JUDE HIGH SCHOOL IN MONTGOMERY, ALABAMA, STATE 2-A BASKETBALL CHAMPIONS.

Also:

By Senator Sanders:

S. J. R. 75. HONORING THE CALHOUN SCHOOL IN LETO-HATCHEE, ALABAMA, STATE 1-A BASKETBALL CHAMPIONS.

Also:

By Senator Sanders:

S. J. R. 76. COMMENDING ANTHONY REED OF CALHOUN SCHOOL FOR OUTSTANDING ACHIEVEMENT.

Also:

By Senator Sanders:

S. J. R. 77. MOURNING THE DEATH OF JACQUELINE BURNS WALKER OF SELMA, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the house concurred in and adopted the resolutions, S. J. R. 71, S. J. R. 72, S. J. R. 73, S. J. R. 74, S. J. R. 75, S. J. R. 76 and S. J. R. 77, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Goodwin:

S. J. R. 57. NAMING THE ANNEX TO THE WALTER B. JONES BUILDING ON THE UNIVERSITY OF ALABAMA CAMPUS IN TUSCALOOSA, ALABAMA, THE "GEORGE C. WALLACE ENERGY AND MINERAL RESOURCES WING."

Also:

By Senator Corbett:

S. J. R. 65. CONGRATULATING MR. AND MRS. HOLLIS C. THORNTON ON THE OCCASION OF THEIR 50TH GOLDEN WEDDING ANNIVERSARY.

Also:

By Senator Holmes:

S. J. R. 66. COMMENDING DR. TOM BRIDGES FOR DEDICATED SERVICE TO THE MEDICAL PROFESSION.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 57, S. J. R. 65 and S. J. R. 66, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Teague and Dial:

S. J. R. 69. NAMING A PORTION OF ALABAMA STATE HIGHWAY 21, "THE ALABAMA INSTITUTE FOR DEAF AND BLIND HIGHWAY."

Also:

By Senator Figures:

S. J. R. 70. WELCOMING AND COMMENDING THE BOARD OF BISHOPS OF THE INTERNATIONAL PENTECOSTAL ASSEMBLIES OF THE WORLD.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 69 and S. J. R. 70, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators deGraffenried, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Horn, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Strong and Teague:

S. J. R. 42. COMMENDING I. L. FELD UPON RETIREMENT FROM THE UNITED STATES BUREAU OF MINES.

Also:

By Senators Cabaniss, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Horn, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Strong and Teague:

S. J. R. 43. EXPRESSING APPRECIATION TO THE SATURN CORPORATION FOR ITS CONSIDERATION OF THE STATE OF ALABAMA AS THE LOCATION FOR THIS NEW DIVISION OF GENERAL MOTORS.

Also:

By Senator Bedsole:

S. J. R. 46. COMMENDING THE GIRL SCOUTS OF THE UNITED STATES OF AMERICA ON THE 73rd ANNIVERSARY OF ITS FOUNDING.

Also:

By Senator Goodwin:

S. J. R. 47. COMMENDING THE CEDAR PARK-EDGEWOOD OLYMPICS OF THE MIND TEAM.

Also:

By Senator Goodwin:

S. J. R. 48. RECOGNIZING GATEWAY INDUSTRIES OF SELMA, ALABAMA, FOR OUTSTANDING SUPPORT, THROUGH TRAINING AND EMPLOYMENT, OF HANDICAPPED CITIZENS OF ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 42, S. J. R. 43, S. J. R. 46, S. J. R. 47 and S. J. R. 48, the titles of which are set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Johnson (Roy), Holley and Drake:

H. J. R. 170. CREATING THE ALABAMA LEGISLATIVE CONGRESSIONAL ADVISORY COMMITTEE ON FARM PROGRAMS.

WHEREAS, the economic plight of the Alabama farmer is of great concern to the Alabama legislature; and

WHEREAS, it is felt by this legislature that certain representative Alabamians should have a voice to express pertinent desires and concerns to our elected officials in Washington and to advise such officials of the needs of the Alabama farmer; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a continuing, joint legislative committee to be known as the Alabama Legislative Congressional Advisory Committee on Farm Programs to consist of 14 members as follows: five members of the House of Representatives to be appointed by the presiding officer of the House of Representatives; five members of the Senate to be appointed by the presiding officer of the Senate; four non-legislative members with two appointed by the Speaker of the House of Representatives and two appointed by the Lieutenant Governor. This committee and its members shall make a continuous study of existing and proposed congressional farm programs, advise the Alabama congressional delegation on the needs of Alabama farmers, and testify before congressional committees concerning farm programs affecting the farmers of this state and region. Each legislative member of this committee shall be entitled to his usual legislative pay, travel expenses and per diem for each day spent in attending such committee meetings or on business of the committee within the state and shall receive legislative pay and be reimbursed for all actual expenses for such out-of-state travel. The members of the committee who are not members of the legislature shall receive no pay but shall be reimbursed for actual expenses incurred in attending committee meetings or on business of the committee within and without the state. The committee may spend up to \$20,000.00 from funds appropriated for the use of the legislature. The committee shall report to the legislature on or before the tenth legislative day of each regular session.

BE IT FURTHER RESOLVED, That the Speaker of the House shall appoint one member from the House as co-chairman and the Lieutenant Governor shall appoint one member of the Senate as co-chairman.

RESOLVED FURTHER, That the committee shall have authority to employ all necessary staff to perform the functions of this committee. Such employees of the committee shall be paid out of any funds appropriated for the use of the legislature.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 170, was adopted.

Also:

By Rep. Johnson (Roy):

H. J. R. 171. EXPRESSING OPPOSITION TO THE PROPOSED SALE OF CONRAIL TO NORFOLK SOUTHERN.

WHEREAS, following months of negotiations by the Federal Government relating to the sale of Conrail, the Secretary of Transportation has designated Norfolk Southern as the Department of Transportation's recommended purchaser of the Conrail system; and

WHEREAS, it is the consensus of this body that such a decision is in direct conflict with the public's interest, including the best interests of the State of Alabama and the citizens thereof; and

WHEREAS, in large areas of the country, for example, the tracks of three companies either cross or run parallel to the others, thereby creating fierce competition for business; two of these systems, however, are Conrail and Norfolk Southern; and

WHEREAS, in the event that Norfolk Southern and Conrail are joined through the aforementioned sale-purchase recommendation of the Department of Transportation, a mammoth-sized monopoly power would be created, thereby drastically reducing the healthy, competitive options available to thousands of shippers; and

WHEREAS, it further is most highly probable that those systems so drastically and adversely affected by a Conrail-Norfolk monopoly merger would be forced to abandon many thousands of miles of existing rail routes; and

WHEREAS, the result of such curtailment of operations would mean a drastic reduction of railroad service in Alabama as well as the loss of jobs in the railroad industry in our State; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express vehement opposition to the sale of the Conrail system to Norfolk Southern as recommended by the Department of Transportation, but would instead endorse and recommend the sensible alternative of a public offering of the stock of Conrail, or the consideration of a bid, such as offered by Allegheny Corporation or the Marriott group, that will preserve service and competition within the railroad industry.

BE IT FURTHER RESOLVED, That the Clerk of the House of Representatives is directed to forward copies of this resolution, without delay, to members of Alabama's Congressional Delegation that they may be advised of the Legislature's opposition to the Conrail-Norfolk Southern sale.

REGULAR SESSION
14th Day

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On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 171, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Bedsole and Dixon:

S. J. R. 82. COMMENDING DOCTOR CHARLES E. HERLIHY OF BIRMINGHAM, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 82, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Corbett:

S. J. R. 86. RECOGNIZING AND SUPPORTING OCTOBER 6-12, 1985, AS NATIONAL CHILDREN'S WEEK AND ENCOURAGING ITS OBSERVANCE THROUGHOUT ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 86, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Goodwin:

S. J. R. 88. COMMENDING AND CONGRATULATING SOUTH-SIDE HIGH SCHOOL, SELMA, ALABAMA, STATE 5A BASKETBALL CHAMPIONS.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 88, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Bennett, Holmes, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Horn, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Strong and Teague:

S. J. R. 89. COMMENDING THE JACKSONVILLE STATE UNIVERSITY GAMECOCKS AS THE NCAA DIVISION II NATIONAL BASKETBALL CHAMPIONS.

Also:

By Senators Bennett, Cabaniss, Amari and Horn:

S. J. R. 90. CONGRATULATING PATTY AND DOC FOR THEIR SIXTH YEAR ON WZZK.

Also:

By Senators Goodwin, Denton and Bedford:

S. J. R. 92. DESIGNATING APRIL 16, 1985, AND EACH APRIL 16 ANNUALLY THEREAFTER, AS "SAVE THE BUTTERFLY DAY" IN ALABAMA.

By Senator Corbett:

S. J. R. 93. MOURNING THE UNTIMELY DEATH OF RONNIE JOE PIERCE OF UNION SPRINGS, ALABAMA.

By Senators Bedsole, Dial and Strong:

S. J. R. 100. COMMENDING LILLIAN PUGH ANDRES OF JACKSON, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 89, S. J. R. 90, S. J. R. 92, S. J. R. 93 and S. J. R. 100, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Denton:

S. J. R. 101. COMMENDING ALYSSA ASHLEY OF KILLEN, ALABAMA, MISS UNIVERSITY OF NORTH ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 101, the title of which is set out in the above and foregoing Message from the Senate.

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the house with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 331. (With Substitute): To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1986.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the house with a favorable report, with substitute, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 788. (With Substitute) (With Amendments): To provide a pay increase for certain personnel in public education for the Fiscal year ending September 30, 1986.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 361. To make appropriations for the support and maintenance of the Walker County Junior College for the fiscal year ending September 30, 1986.

H. 452. To make appropriations for the support and maintenance of the Talladega College for the fiscal year ending September 30, 1986.

H. 453. To make appropriations for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1986.

H. 462. To make appropriations for the support and maintenance of the Marion Military Institute for the fiscal year ending September 30, 1986.

H. 471. To make appropriations for the support and maintenance of the Tuskegee Institute for the fiscal year ending September 30, 1986.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and

ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 115. (With Substitute): To establish the Alabama Endowment Trust Fund for Eminent Scholars; provides that the Alabama Commission on Higher Education shall administer the trust fund; provides for investment of appropriated funds and for the use of accrued interest; provides for matching of funds; provides for the creation of separate foundation trust funds for each university; provides for pledged funds and for the expending of the funds; and provides an appropriation.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 674. To provide authority for the governing body of any Class 2 municipality covered by the Employees' Retirement System of Alabama, with the consent of the Board of the Employees' Retirement System of Alabama, to provide credit for the prior service of new employees to the extent of their prior service with public employers eligible for coverage under the Employees' Retirement System of Alabama, to provide for special membership service, to define prior service, to provide procedures and to prohibit discrimination in the application of the provisions of this Act.

H. 487. To provide that full-time employees and executive officers of the Alabama Congress of Parents and Teachers may elect to become members of the teachers' retirement system of Alabama; also to provide that said Association and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the State.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 54. To amend Section 15-22-27, Code of Alabama 1975, to provide that an inmate whose death sentence was imposed under a statute providing life imprisonment without parole shall serve a sentence of life imprisonment without parole if his death sentence is so commuted by the Governor.

S. 55. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said minimum term; and to amend Section 15-22-50, Code of Alabama 1975, which imposes a maximum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said maximum term.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 402. (With Substitute) (With Amendment): To establish the Timber Theft Equipment Condemnation law of the State of Alabama and to further set forth a procedure whereby vehicles and equipment used in connection with timber theft may be condemned by appropriate authorities and the

same sold or awarded by court order to the State Forester for use and enforcement of timber theft laws in the State of Alabama.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 747. (With Amendment): Prescribing certain procedures to be followed by law enforcement officers making arrests without warrants in domestic relations disturbances.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 742. To amend Section 40-10-15, Code of Alabama 1975, as amended, relating to the duties of the probate judges and the sale of land for delinquent ad valorem taxes, so as to further provide therefor, and to require certain duties to be performed by the tax assessors, and to provide for the manner of recording and indexing deeds and required data.

H. 745. To amend Section 40-10-29, Code of Alabama 1975, relating to the sale of land for ad valorem taxes owed, so as to alter the interest conveyed by certain tax sale deeds, and to provide for the duties imposed upon and the remedies available to the several parties.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 132. (With Substitute): To further amend Section 28-3A-25, Code of Alabama 1975, relating to alcohol-related offenses in illegally selling, consuming, transporting and manufacturing alcoholic beverages, beer and wine, so as to broaden the applicability of such offenses to include among others, servants, agents or employees.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 681. To amend Section 12-17-224, Code of Alabama 1975, which provides for the establishment of the Special Services Division of the District Attorney's Office of each Judicial Circuit, so as to provide further for the fees collected pursuant to the provisions of the unit.

H. 18. To amend Section 12-15-34, Code of Alabama 1975, relating to the transfer of cases from juvenile court to criminal court, to provide that once a child has been transferred to criminal court, all subsequent action against said person shall be tried in criminal court.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 771. To regulate transient merchants, provide for licensing of said merchants and provide for penalties for violations.

Rep. Cosby, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 594. To amend Section 27-2-30, subsection (a), Code of Alabama 1975, which relates to the conduct of hearings before the department of insurance, so as to authorize certain qualified and experienced persons who are designated by the insurance department commissioner to preside over such hearings.

Rep. Cosby, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 386. (With Amendment): To amend Section 27-2-31, Code of Alabama, 1975, to permit the Commissioner of Insurance to levy a civil penalty of not more than \$10,000.00 for violations of the Insurance Code following an administrative hearing, provided that the fine shall in no case exceed 1% of the insurer's policy holders surplus.

Rep. Grayson, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 772. Relating to the state board of education; to create nine (9) new districts for members of the board, beginning with the 1986 general election; to provide for the election of and terms of office of members of the board; to provide for a procedure for the redistricting of the board after each federal decennial census; and to specifically supersede and repeal Section 16-3-1, Code of Alabama 1975.

H. 710. To propose an amendment to the Constitution of 1901, relating to the continuation of certain school district taxes with the respective city and county jurisdictions.

The above bill was read a second time at length as required by the Constitution.

H. 123. To amend Section 16-24-2, Code of Alabama, 1975, to allow county and city boards of education, upon the recommendation of the superintendent, to grant "continuing service status" to teachers who have completed at least one academic year of employment and who have had "continuing service status" previously granted in another school system.

Rep. Grayson, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 516. (With Substitute): To provide that the Board of Trustees of the Alabama Institute for Deaf and Blind shall adopt written policies with regard to education; to provide for the manner in which such policies shall be adopted; to provide that such written policies shall be made available to certain affected employees.

Rep. Grayson, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and

ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 396. To amend Sections 16-8-1 and 16-11-2, Code of Alabama, 1975, to require city and county school board members to be high school graduates (or the equivalent thereof) and to reside in the county or city of their election.

Rep. Grayson, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 395. (With Substitute): To prohibit the deliberate falsification of certain school records and to establish penalties upon conviction.

Rep. Thomas, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 244. (With Substitute): Proposing an amendment to the Constitution of Alabama relative to the power of recall.

The above bill was read a second time at length as required by the Constitution.

Rep. Adams, Chairman of the Standing Committee on Commerce and Industrial Development, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 774. To create the Commission on Two-Year College High Technology Education; to provide for the appointment, terms, powers and duties of its members; to provide for the purpose of the commission; to prescribe that recommendations shall be made to the legislature; to prescribe that members shall not receive any compensation but shall be reimbursed all actual and necessary expenses incident to their official business; and to provide for the conduct of the affairs of the commission.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 582. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of North Courtland in Lawrence County.

H. 645. Relating to Houston County; providing an appropriation from the county general funds or any available funds in the county treasury for the purposes of clean-up and removal of debris from fire damage to certain private property for a specific period retroactively to October 1, 1979; and providing relief to the Houston County Commission for causing its road department to clean-up such debris in error.

WHEREAS, fire damage to private property can create a severe safety hazard and the county commission has certain responsibility to protect its citizens; now therefore,

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 707. (With Amendment): To alter or rearrange the boundary lines of the Town of Webb, Houston County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Houston County, Alabama.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 711. Relating to Geneva County; authorizing the Geneva County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefor; providing for an advisory referendum on the issue of adding such additional county tax; and prescribing misdemeanor penalties against those who violate the provisions of this act.

H. 756. Relating to the Geneva County Superintendent of Education; establishing an index range for any expense allowance granted to such superintendent; authorizing the Geneva County Board of Education to set such salary; and providing such allowance shall be made from the county treasury.

H. 790. Relating to Baldwin County; amending the title and Section 2 of Act No. 79-623, S. 479, 1979 Regular Session (Acts 1979, p. 1106), which act relates to the disposition of funds from the leasing of oil, gas and mineral rights owned by the county on rights-of-way within the county road system, so as to provide further for the expenditure of such funds.

H. 791. Relating to Baldwin County; to provide that the cost of conducting certain elections shall be paid by the county.

H. 806. Relating to Autauga County; to alter, re-arrange and extend the boundary lines and corporate limits of the City of Prattville in Autauga County, Alabama.

H. 807. Relating to Elmore County; to amend Act 84-656, H. B. 973, 1984 Regular Session, pertaining to the election of county commissioners, so as to provide for said election by districts.

H. 810. Relating to Lawrence County; providing for a board of trustees for the Jesse Owens Memorial Park in said county; providing for the terms of the members of such board and prescribing their duties and responsibilities.

H. 811. Relating to Lawrence County; allowing the Department of Conservation and Natural Resources to regulate the use of dogs and/or buck shot in shotguns in deer hunting outside of wildlife management hunting areas and repealing Act No. 80-349, H. 972, 1980 Regular Session.

H. 812. Relating to Lawrence County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the

voiding of such licenses; and to repeal Act No. 79-399, H. 618, 1979 Regular Session.

H. 813. Relating to Lawrence County; to create a motor vehicle license division within the tax assessor's office for the issuance of motor vehicle licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; the issuance of motor vehicle licenses by the tax assessor's office and to transfer certain duties now performed by the probate judge and tax collector to said tax assessor.

H. 814. Relating to Lawrence County; providing for a supplemental expense allowance for the court reporter of the Thirty-sixth Judicial Circuit; and providing such expense allowance shall be paid from the county treasury.

Rep. Boles, Chairman of the Standing Committee on Local Legislation No. 2 reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 479. Relating to Jefferson County; requiring the county commission to make certain office space provisions in the proposed new criminal justice building for certain personnel in the sheriff's department.

Rep. Boles, Chairman of the Standing Committee on Local Legislation No. 2 reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 47. (With Substitute): To amend Article VII of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124), relating to the Board of Managers of the City of Birmingham Retirement and Relief System so as to provide that participant's loans shall be repaid in a period of forty-eight (48) months or less from the date of such loan and to provide that interest be charged on such loans in such amount as may be determined in the discretion of the Board, but not less than seven percent (7%) per annum.

Rep. Boles, Chairman of the Standing Committee on Local Legislation No. 2 reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 49. Relating to Jefferson County; to amend Article III, Section 9 of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124), as amended by Act No. 791, H. 801, 1975 Regular Session (Acts 1975, p. 1585), relating to investment of the fund established for a retirement and relief system for each and every city of the state of Alabama having a population of two hundred fifty thousand or more inhabitants according to the last or any succeeding federal census as established originally by Act No. 929, S. 676, 1951 Regular Session (Acts 1951, p. 1579), as amended, said Article III, Section 9 to be amended in full to provide that the Board of Managers of any such fund shall also have authority to approve investments of the fund after their making by the designee of the Board, to provide that investments

of the fund in bonds and stocks of private corporations shall not exceed seventy-five percent of the funds available for investment, and, to provide that investments in stocks of private corporations shall not exceed fifty percent of the funds available for investment.

Rep. Boles, Chairman of the Standing Committee on Local Legislation No. 2 reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 653. (With Amendment): Relating to Jefferson County; to amend further Sections 18 and 20 of an act designated as Act No. 248, H. 580, 1945 Regular Session (Acts 1945, p. 376), as heretofore amended relating to creating and establishing in counties having a population of 400,000 or more according to the last or any future federal census, a county wide civil service system, and to provide for appointment of department heads from all qualified candidates unless the appointing authority shall request the three ranking eligibles only.

Rep. Boles, Chairman of the Standing Committee on Local Legislation No. 2 reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 690. To further amend Sections 3.01, 3.03, 3.12 and 4.01 of Act No. 452 of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, p. 1004), as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent federal census, so as to provide that both the mayor and council shall take office on the fourth Tuesday in November of the year of their election, and to further provide that the first meeting of each newly elected council shall be held on the fourth Tuesday in November of the year of its election.

H. 691. To amend Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended by Act No. 1272, 1973 Regular Session (Acts 1973, p. 2124), and as previously and subsequently amended, which created a retirement system for officers and employees in cities of two hundred thousand or more inhabitants according to the latest federal decennial census, so as to provide further for the payments of benefits during periods of reemployment.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 172. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That upon reaching the Calendar, the following unfinished business and bills in the order listed below, along with Budget Isolation Resolutions pertinent thereto and attached hereto, shall be made the special, paramount

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and continuing order of business for the 14th Legislative Day of the 1985 Regular Session, Thursday, March 28, 1985, taking precedence over any other business of the House until disposed of:

<u>Bill No.</u>	<u>Page</u>
<u>Unfinished Business</u>	
<u>H. 88</u> —By Hall	21
Wheat and feed grains, promotion of production, use and improvement, consti. amend.	
<u>H. 89</u> —By Hall	22
Wheat and feed grains, promotion of production, use and improvement, powers and duties of Agriculture and Industries Department	
<u>H. 194</u> —By White (L)	16
Pharmacists, license fee incr., Secs. 34-23-30, 34-23-32, 34-23-50, 34-23-52	
<u>H. 58</u> —By Harvey	30
Forest products, severance of at an increased tax rate, Sec. 9-13-82(a) am'd.	
<u>H. 602</u> —By Harvey	70
Forestry Commission, supp. approp.	
<u>H. 603</u> —By Davis	81
Indian Affairs Commission, membs. to incld. the Ma-Chis Lower Creek Indian Tribe, Sec. 41-9-708 am'd.	
<u>H. 466</u> —By Johnson (Roy) (As Amended)	43
Motor vehicles, casting light from at night, hours prohibited alt., Sec. 32-5-17 am'd.	
<u>H. 203</u> —By Coleman	59
Teachers retirement system, support personnel to elect two members to board of control	
<u>H. 75</u> —By Seibels	38
Bestiality, crim. penalties provided, Secs. 13-6-60, 13A-6-64 am'd.	
<u>H. 280</u> —By Carothers	16
Hazardous waste storage facilities and disposal sites. Dept. of Environmental Management to monitor, Secs. 22-30-4 and 22-30-18 am'd. Secs. 22-30-5 and 22-30-7 repealed.	
<u>H. 629</u> —By Clark (J)	84
Mental Health Department and Mental Retardation, established as special school district, district superintendent of education appointed by commissioner	
<u>H. 103</u> —By Starr (As Amended)	10
Public contracts, expenditure of public funds for leases, regulated	

<u>H. 275</u> —By Kennedy	29
Telephone call boxes, on cert. highways, auth.	
<u>H. 358</u> —By Warren (As Substituted)	53
Arson further def., relating to malicious burning of woodlands, Sec. 9-13-11 am'd: Ala. Wood Lands Protection act.	
<u>H. 95</u> —By Clark (J)	18
Dentistry, practice of by dentists and dental hygienists, further reg., Secs. 34-9-1, 34-9-9, 34-9-11, 34-9-17, 34-9-18, 34-9-22, 34-9-25, 34-9-26, 34-9-27, 34-9-29, 34-9-41 and 34-9-43 am'd.	
<u>H. 606</u> —By Blake	82
Wreckers, exempt from Public Service Commission reg., Sec. 37-3-4 am'd.	
<u>H. 146</u> —By Biddle	10
Bid law, state hospitals exempt	
<u>H. 490</u> —By Holley	69
District Court judge, salary regulated	
<u>H. 590</u> —By Holley	65
Water Pollution Control Grant Fund created; Ala. Dept. Environ. Mgt. to make grants to cos., muns., or publ corp. for pub. corp. for purposes of constructing sewage treatment facilities.	
<u>H. 9</u> —By Crow	14
Bid law, minimum amt. of contracts, incr., Sec. 41-16-50 am'd.	
<u>H. 40</u> —By Onderdonk	42
Municipal ordinances, bail of persons changed under, judgments of municipal courts, appeal to circuit court, Secs, 12-14-5 and 12-14-70 am'd.	
<u>H. 116</u> —By Campbell	2
Administrative Procedure Act, Chapter 22, Title 41 am'd.	
<u>H. 242</u> —By Gaston	21
Worthless checks, presentation of for valid debt, provided, Sec. 13A-9-13.1 am'd	
<u>H. 312</u> —By Parker (As Substituted)	60
Education, requires certain regulations pertaining to personnel records of employees	
<u>H. 342</u> —By Carter	71
State Park Revolving Fund, allocation made for major repairs, maintenance service, capital outlay and imp. to land, bldgs. and equip., Sec. 9-2-107 am'd.	

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<u>H. 451</u> —By Harper	43
Oysters, sacking and tagging, regulated	
<u>H. 461</u> —By White (F)	77
Writ of habeas corpus, granted without delay, exceptions, Sec. 15-21-8 am'd.	
<u>H. 400</u> —By Cosby	52
Juvenile court proceedings further prescribe, upon transfer and certification as an adult offender thereafter tried as adult offender in same courts	
<u>H. 172</u> —By Smith	23
Agricultural facilities which are permitted to be financial by Agri. Development Authority, Sec. 2-3A-2.	
<u>H. 214</u> —By Martin	27
Cities with certain populations, new council form of gov't. created, Sec. 11-43-40 amended.	
<u>H. 600</u> —By Turnham (As Substituted)	63
Alabama Manufactured Housing Comm. created	
<u>H. 430</u> —By Penry	50
Municipal corporations, validation of cert. attempted incorporations invalidated by procedure irregularities	
<u>H. 220</u> —By Box	9
Judgments entered pursuant to pro tanto settlement clarified for inclusion with written receipts, releases, etc. Sec. 12-21-109 am'd.	
<u>H. 112</u> —By White (L)	27
Health and accident self-insurance group authorized for officers and employees of municipalities, use of public funds authorized	
<u>H. 447</u> —By Junkins	68
Teacher retirement system, cert. teachers eligible for retirement but remains active at death, surviving spouse benefits reg., Sec. 16-25-14 am'd.	
<u>H. 521</u> —By Grayson	85
Alabama A & M University, bd. of trustees, meetings, quorum alt., Secs. 16-49-26 and 16-49-27 am'd.	
<u>H. 468</u> —By Thomas	48
Voting, Dep. Registrar req. to be at courthouse during all official hours, Bd. of Registrars req. to be open certain time prior to election deadline.	
<u>S. 215</u> —By Smith (J)	81
State employees; payroll deductions from paychecks regulated	

<u>H. 457</u> —By Laird (As Substituted)	50
Onsite disposal systems regulated prior to subdivision being approved	
<u>H. 646</u> —By Tanner (As Amended)	73
Child care facilities, records and background information checks on operators and other employees	
<u>S. 111</u> —By Bishop	82
County commissions, min. comp. estb., Sec. 11-3-4.1 am'd.	
<u>H. 627</u> —By Starkey	111
Highway Director, auth. to administer public transportation programs, Secs. 23-1-21.1, 23-1-21.2 am'd.	(S)
<u>H. 524</u> —By Clark (J)	69
Athletic events, cert. ones exempt from gross receipts tax, Sec. 40-23-4 am'd.	
<u>S. 273</u> —By Foshee	107
Worthless checks, charges further provided, Sec. 8-8-15 added to Title 8, Chapter 8 of the Code	(S)
<u>S. 191</u> —By Drinkard	89
Coosa Valley Development authority, approp. from the general fund	(S)
<u>H. 615</u> —By Turner (As Substituted)	93
Finance Department, appropriation for Tenn-Tom opening ceremonies	(S)
<u>H. 650</u> —By Buskey (John)	98
Library theft, crime of, created, penalties	(S)
<u>H. 431</u> —By McDowell (As Amended and Substituted)	111
Bessemer, mayor-council form of government	(S)
<u>H. 557</u> —By McNair	109
Elections, procedures for special elections to fill vacancies in legislature	(S)

On motion of Rep. Clark (J), the resolution, H. R. 172, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Martin (With Notice and Proof):

H. 816. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Decatur, in Morgan County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 816, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Crow and Blake:

H. 817. To amend Section 40-12-198 of the Code of Alabama 1975, as amended, relating to the marking of vehicles operated by private and for-hire carriers.

Committee on State Administration.

By Rep. Biddle:

H. 818. Relating to the Alabama Criminal Justice Information Center; to repeal Sections 41-9-639 and 41-9-641, Code of Alabama 1975, which will allow the Alabama Criminal Justice Information Center Commission to make state criminal justice agencies full participants in all services of the National Crime Information Center and to permit out-of-state dissemination on certain information pertaining to criminals and persons wanted by the law enforcement agencies of this state.

Committee on Judiciary.

By Rep. Boles (With Notice and Proof):

H. 819. Relating to Jefferson County; to alter and rearrange the boundaries of the city of Hueytown, so as to exclude certain territory from the corporate limits of the city.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 819, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Bugg, McNair, Grayson, Junkins, Hooper, Zoghby, Hall, Burke, Hettinger, Lindsey, Bachus, Gray, Venable, Flowers, Perdue, Albright, Dutton, Laird, Smith, Mikell, Davis, Escott, Cosby, Rogers, Boles, Pratt, Melton, White (L), Brooks, Goodwin, Clark (D), Seibels, Payne, Carter and Kennedy:

H. 820. To amend Section 13A-14-2, Code of Alabama 1975, which relates to the Sunshine Law, so as to provide for notice of meetings and to increase the penalties for violations.

Committee on Judiciary.

By Rep. Dutton (With Notice and Proof):

H. 821. To provide for supplemental expense allowances for the district attorney of the 36th judicial circuit and the district judge of Lawrence County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 821, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Buskey (John):

H. 822. To provide for observance of all federal holidays by the state and to authorize the Governor to select three additional state holidays.

Committee on State Administration.

By Rep. Carothers:

H. 823. To re-open the Retirement Systems of Alabama in order to allow active and contributing members and former such members with vested retirement benefits to claim and purchase credit for military service and to provide for its termination.

Committee on Ways and Means.

By Rep. Campbell:

H. 824. To amend Section 36-16-8, Code of Alabama 1975, relating to the disposition, transfer, assignment or entrustment of nonconsumable state personal property, so as to provide that said property shall not be disposed of or transferred without the permission of the Director of the Department of Economic and Community Affairs.

Committee on State Administration.

By Reps. Johnson (Roy), Drake, Cosby, White (F), Grouby, Warren, Starr, Butler, Richardson, Faulk, Laird, Adams, Rice, Browder, Crow, Bowling, Dutton, Thomas, Gaston, Reed, Kvalheim, Biddle, Hooper, Clark (J), White (L), Venable, Albright, Tanner, Bugg, Spratt, Flowers, Mathis, Bryant, Carothers, Hall, McKee, Blake, Harper, Turner, Smith, Harvey, Newman, Rains, McMillan, Clark (W), Holley, Melton, Mitchell, Brakefield, Grayson, Carter, Goodwin, Clark (D), Lauderdale, Brooks and Rogers:

H. 825. To provide that for purposes of state income tax, if a taxpayer has a capital gain from the disposition of property used in farming in an involuntary liquidation sale, he shall be entitled to the same carry forward provisions and subject to the same limitations as permitted for short-term capital gains under the Internal Revenue Code.

Committee on Ways and Means.

By Reps. Rice and Turnham:

H. 826. Prohibiting an incorporated municipality from annexing any unincorporated territory if the qualified electors residing in such territory are denied by law the right to petition their judge of probate for an order of municipal incorporation.

Committee on Local Government.

By Rep. Biddle:

H. 827. To amend Section 34-23-70 of the Code of Alabama 1975 relating to the operation and management of pharmacies so as to provide for the return of medication under certain circumstances where each dose is individually sealed to prevent contamination.

Committee on Health.

By Rep. Biddle:

H. 828. Relating to the board of examiners of nursing home administrators; to amend sections 34-20-2, 34-20-9 and 34-20-13 of the Code of Alabama 1975, so as to further provide for the fees of the board.

Committee on Health.

By Rep. Warren:

H. 829. To amend Section 36-22-63, Code of Alabama 1975, relating to the purchase of prior service credit for participation in the supernumerary sheriff's program, so as to extend the time within which such a purchase may be made.

Committee on State Administration.

By Rep. Dutton (With Notice and Proof):

H. 830. Relating to Lawrence County; providing a certain expense allowance for the county superintendent of education.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 830, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Bachus, Coleman, Box, Adams, Laird, Poole, White (G), Beers, Hooper, Smith and Holley:

H. 831. To provide for the forfeiture of devices and weapons used in the commission or attempted commission of any crime against a person; to provide for the forfeiture of devices or weapons upon the conviction of a person of the crime of carrying a concealed weapon; to provide for the forfeiture of any device or weapon denominated as unlawful under the laws of the state or which is found on or about the person of any person who is prohibited by law from carrying or possessing said device or weapon; and to provide for the forfeiture of any device or weapon which is abandoned or otherwise found and the lawful owner cannot be located; and to exempt motor vehicles from the provisions of the act. To further provide for the disposition of said devices or weapons by the district attorney by means of destruction, sale, or use for historical, instructional, or law enforcement upon court order and to exempt devices or weapons which are found to be stolen or otherwise wrongfully possessed and the lawful owner is located.

Committee on Judiciary.

By Reps. Bachus, Trammell, Hooper, White (G) and Rice:

H. 832. To amend Section 40-18-19 of the Code of Alabama 1975 relating to income tax exemptions, so as to exempt the first \$10,000.00 of payments made under private pension plans.

Committee on Ways and Means.

By Reps. White (G), Bachus, Beers, Perdue, Newton, Davis, Rogers, Butler, Smith, Buskey (James), Holmes, Rains and Tanner:

H. 833. To prescribe additional notice requirements and form thereof where land or real property, or right or interest, or easement therein have taxes, local or state, owed or where sale of such is proposed, or sale thereof

has been made pursuant to title 40, Chapter 10, Code of Alabama 1975, as amended, which relate to the sale of land for delinquent taxes and the manner thereof; to provide that only to the extent there is any conflict with said Title 40, Chapter 10, Code of Alabama 1975, as amended, the provisions of this act shall supersede and such conflicting laws or parts of laws are specifically repealed.

Committee on State Administration.

By Rep. Clark (J):

H. 834. To amend Sections 40-21-53 and 40-21-55 to provide that municipal corporations will also pay the 2.2% utility tax and the additional revenue generated shall be deposited in the general fund.

Committee on Ways and Means.

By Rep. Coleman:

H. 835. To provide that certain public school employees who received less than one year of retirement credit per school year be granted one full year of retirement credit for each nine months of consecutive employment for school years in which they were employed prior to July 1, 1977.

Committee on Ways and Means.

By Reps. Bachus and Moore:

H. 836. To amend Section 11-50-234, Code of Alabama 1975, relating to the Board of Directors of Water Works and Sewer Boards, so as to authorize the governing body of any municipality which has authorized the creation of such a corporation to increase the Board of Directors of the same from three to five members.

Committee on Local Government.

By Rep. Johnson (Roy):

H. 837. This bill amends Section 40-14-41, Code of Alabama 1975, which provides for exclusions and deductions for capital invested in Alabama so as to further provide for deductions by providing additional criteria respecting unemployment.

Committee on Ways and Means.

By Rep. Johnson (Roy):

H. 838. This bill amends Section 40-14-70, Code of Alabama 1975, which provides for deductions from the total value of shares of corporate stock, so as to further provide for deductions by providing additional criteria respecting unemployment.

Committee on Ways and Means.

By Rep. Tanner (With Notice and Proof):

H. 839. Relating to Shelby County; prohibiting any incorporated municipality located outside of the boundaries of Shelby County from annexing any territory in said county without prior referendum approval of a majority of the qualified electors of said county and providing for such referendum elections.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 839, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Escott:

H. 840. To amend Sections 24-1A-1 and 24-1A-2, Code of Alabama 1975, relating to the Alabama Housing Finance Authority and eligibility for housing units, so as to include senior citizens of low and moderate incomes.

Committee on Ways and Means.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Rains:

H. J. R. 173. COMMENDING ARCHIE AND MARY GILBERT MARTIN UPON THEIR GOLDEN WEDDING ANNIVERSARY.

WHEREAS, Archie and Mary Gilbert Martin of Geraldine, Alabama, were married on December 26, 1934, and celebrated their Golden Wedding Anniversary during Christmas week of 1984; and

WHEREAS, individually and jointly Archie and Mary Martin have devoted their lives to the education and betterment of the people of DeKalb County and their school children; and

WHEREAS, Archie Martin received a B.S. degree from Jacksonville State University and a Master's degree from Peabody College; he was a teacher and served as a principal in the DeKalb school system 28 years, the Madison County school system 2 years and as a professor in the History Department of Gadsden Junior College 6 years until his retirement; and

WHEREAS, Archie Martin is a Mason, a Shriner, a member of the First Baptist Church of Geraldine, a member of the Town Council of Geraldine for 12 years and is an organizer and a director of the Bank of Geraldine; and

WHEREAS, as a noted historian he is an authority on the War Between the States, having visited many battlefields in connection with his research and studies; and

WHEREAS, his interest in agriculture includes having operated a granary and the raising of fine Polled Hereford cattle; and

WHEREAS, Mary Gilbert Martin received a B.S. degree from Jacksonville State University and a Master's degree from Peabody College; she was a teacher and principal in DeKalb County for 44 years where she promoted extra curricular activities of the students sponsoring speech contests, 4-H Clubs, plays and classes in art; and

WHEREAS, Mary Gilbert Martin and her students won recognition and many awards including the American Education Medal in 1969 as a principal, the George Washington Medal for students promoting citizenship, and the American Way of Life Award on three different occasions; and

WHEREAS, she also organized the "Head Start" program in DeKalb County; and

WHEREAS, since retiring in 1972, Mary Gilbert Martin became active in the county, district and state levels of the Retired Teachers Organizations and is currently serving her Lord as secretary of the First Baptist Church of Geraldine; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recognize and heartily commend Mr. and Mrs. Archie Martin as prominent leaders in the educational, civic, social and religious life of their community, county and state.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mr. and Mrs. Archie Martin with our deepest appreciation, our heartfelt congratulations and our best wishes.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 173, was adopted.

Also:

By Rep. Rains:

H. J. R. 174. CONGRATULATING MR. AND MRS. MARION C. RICHEY ON THEIR 52ND WEDDING ANNIVERSARY.

WHEREAS, Marion C. "Buckle" Richey and Bobbie Lee Sizemore were married October 16, 1932, in Fort Payne, Alabama; and

WHEREAS, Buckle and Bobbie have six children, twelve grandchildren and four great grandchildren; and

WHEREAS, they have attended the Methodist Church for more than fifty years and are members of Geraldine United Methodist Church; and

WHEREAS, Buckle, a U. S. Navy veteran of World War II, served in the Pacific Theater of operations; and along with his wife, he operated a farm until retirement as well as driving a school bus for 22 years; and

WHEREAS, Bobbie was a member of the VFW Auxiliary, the Home Demonstration Club and the PTA for many years but takes greatest pride in her role as a homemaker and mother; and

WHEREAS, the Richeys enjoy travel, fishing, gardening, and especially sharing their love with their grandchildren; and

WHEREAS, they attribute their long and happy married life to their profound love for one another, their patience and the Christian atmosphere of their home; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Mr. and Mrs. Marion C. Richey on the occasion of their 52nd wedding anniversary, and wish them many more years of happiness.

RESOLVED FURTHER, That a copy of this resolution be forwarded to Mr. and Mrs. Richey in token of our high regard.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 174, was adopted.

Also:

By Reps. White (G) and Beers:

H. J. R. 175. COMMENDING STUART BACHUS OF BIRMINGHAM, ALABAMA.

WHEREAS, the Alabama House of Representatives extends heartiest congratulations to Stuart Bachus of Birmingham, Alabama, who reigned as kindergarten prince during pageant ceremonies of the eighth annual Vestavia Hills Dogwood Festival; and

WHEREAS, Stuart Bachus, the son of our good friends, Representative Spencer Bachus and his wife, Lynn, is a student at Vestavia Hills Elementary School, East; and

WHEREAS, Stuart, with his royal rank of "prince for a day," was chosen during competition held to select seven school winners, one for each of the six grades represented and a prince for the kindergarten division; and

WHEREAS, it is further to be noted that Spencer and Lynn Bachus also are the parents of Warren Bachus, an outstanding second grade student at Vestavia Hills, East, and of young Elliott who is just five months old; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That we hereby most heartily congratulate Prince Stuart Bachus of Birmingham, Alabama; we further express highest commendation of both Stuart and Warren as outstanding young students and direct that a copy of this resolution be provided for the Bachus family in token of our sincere praise and warmest personal regard.

On motion of Rep. White (G), the rules were suspended and the resolution, H. J. R. 175, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Beers:

H. R. 176. COMMENDING COLLEEN MITCHELL OF BIRMINGHAM, ALABAMA'S 1985 EPILEPSY POSTER CHILD.

Also:

The following resolutions were introduced:

By Rep. Mikell:

H. J. R. 177. MOURNING THE DEATH OF WALTER A. GOOLSBY OF MILLBROOK, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of Walter A. Goolsby of Millbrook, Alabama, on March 13, 1985, at the age of 78 years; and

WHEREAS, Mr. Goolsby, at the time of his death, had been a resident of Millbrook for some 40 years; he was a member of Coosada Baptist Church and was a retired driver, after 30 years, with the Montgomery Transit System; and

WHEREAS, Walter A. Goolsby was a beloved and prominent member of the Millbrook Community whose death has left a deep void in the hearts of his family and in the lives of his neighbors and many, many friends; and

WHEREAS, Mr. Goolsby is survived by his wife, Mrs. Rena H. Goolsby; by a son, Walter A. Goolsby, Jr., who is a 19-year veteran and captain with

the Alabama Department of Public Safety; a daughter, Allene G. Hall; and by his three beloved grandchildren, Kathy Jackson, Ellen Betz and Nancy Jane Jackson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Walter A. Goolsby of Millbrook, Alabama, and extend our very deepest sympathy to all his family, whose sorrow we sincerely share and for whom a copy of this resolution shall be provided.

On motion of Rep. Mikell, the rules were suspended and the resolution, H. J. R. 177, was adopted.

Also:

By Rep. Rice:

H. R. 178. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, March 28, 1985, we adjourn to meet Tuesday, April 2, 1985 at 1:00 P.M.

The motion offered by Rep. Rice to suspend the rules and adopt the resolution, H. R. 178, was lost.

The resolution, H. R. 178, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Grayson:

H. R. 179. COMMENDING WILLIAM D. FAILS OF HUNTSVILLE, ALABAMA.

Also:

The following resolution was introduced:

By Rep. Butler:

H. R. 180. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. B. 704 OF THE REGULAR SESSION 1985, RELATING TO MADISON COUNTY.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we do respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinions to the following important constitutional questions which have arisen concerning the pending H. B. 704 of the 1985 Regular Session, relating to Madison County which proposes levying and collecting of sales and use taxes in the county, with the proceeds used for school purposes in the Madison County School System. Section 40-12-4, Code of Alabama 1975, provides for the levying of certain taxes, including a sales tax, on a countywide basis, with the proceeds to be used for public school purposes. It further provides that in all counties having more than one school system, the revenues produced by such tax "shall be distributed within such county on the same basis as funds received by the county from the minimum program fund are distributed within the county."

Copies of said bill are attached to this resolution and made a part hereof by reference.

1. Do the provisions of pending H. B. 704 of the 1985 Regular Session conflict with the provisions of Section 40-12-4, Code of Alabama 1975, in any way that would contravene Section 105 of the Constitution of 1901?

RESOLVED FURTHER, That the Clerk of the House is hereby directed to send sufficient copies of the pending H. B. 704, with any attachments, to the Clerk of the Supreme Court of Alabama and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.

On motion of Rep. Butler, the rules were suspended and the resolution, H. R. 180, was adopted.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 526. Relating to any Class 2 municipality; providing for a referendum on the question of adoption of a court ordered district commission form of government or a mayor-council form of government; establishing in the alternative said forms of government; providing that the provisions of this act are inseparable and nonseverable; and providing for penalties for violations of certain provisions of this act.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MOTION TO ADJOURN ADOPTED

The motion offered by Rep. Holley that when the House adjourns today, it adjourns to meet again at twelve o'clock noon, Tuesday, April 2, 1985, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Turner, the rules were suspended in order to bring up the Budget Isolation Resolution relating to H. B. 719.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Turner, Budget Isolation Resolution, H. B. 719, was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Albright, Biddle, Blake, Boles, Bowling, Box, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Cosby, Davis, Faulk, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Hooper, Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, McNair, Mathis, Mikell, Mitchell, Newton, Parker, Perdue, Poole, Rains, Reed, Richardson, Rogers, Smith, Spratt, Starr, Thomas, Trammell, Turner, Venable, White (F), White (L) and Zoghby.

—54

And the bill:

H. 719. Relating to Mobile County, to provide for the deposit of moneys collected by the Mobile County License Commissioner in Mobile County.

Was taken up.

SUBSTITUTE OFFERED

Rep. Turner offered the following substitute to the bill, H. 719:

A BILL TO BE ENTITLED AN ACT

Relating to Mobile County, to provide for the deposit of moneys collected by the Mobile County License Commissioner and other elected officials in Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. The License Commissioner and other elected officials of Mobile County shall deposit all collection of moneys by his or her office in an interest-bearing checking account or interest-bearing savings account within Mobile County. It is not the intent of this bill to prevent normal transfer of funds by the License Commissioner to the entities of county government in Mobile County.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Blake, Bowling, Box, Brooks, Bryant, Bugg, Buskey (James), Butler, Carter, Clark (D), Clark (W), Cosby, Gaston, Goodwin, Grayson,

Harper, Hooper, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Marietta, Mitchell, Newton, Perdue, Poole, Rains, Reed, Rice, Richardson, Sasser, Smith, Thomas, Turner, Venable, White (F), White (L) and Zoghby.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 719. Relating to Mobile County, to provide for the deposit of moneys collected by the Mobile County License Commissioner and other elected officials in Mobile County.

Was read a third time at length and passed, and ordered engrossed.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Bowling, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Cosby, Davis, Dutton, Gaston, Goodwin, Grayson, Hammett, Harper, Harvey, Hooper, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Marietta, Mitchell, Newton, Parker, Poole, Rains, Rice, Richardson, Spratt, Thomas, Turner, Venable, White (F), White (L) and Zoghby.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 798 RE-REFERRED

On motion of Rep. Starr, the Speaker re-referred the bill, H. 798 from the Standing Committee on Ways and Means to the Standing Committee on State Administration.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Starkey, the rules were suspended in order to bring up the Budget Isolation Resolution relating to H. B. 627, out of order.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Starkey, Budget Isolation Resolution, H. B. 627, was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Beasley, Bowling, Box, Brooks, Bryant, Bugg, Buskey (James), Carter, Clark (D), Clark (W), Coleman, Cosby, Faulk, Gaston, Goodwin, Hammett, Harper, Harvey, Holley, Johnson (RG), Kennedy, Kvalheim,

Lauderdale, McKee, McMillan, Marietta, Mathis, Mitchell, Newman, Newton, Parker, Penry, Poole, Pratt, Preuitt, Rains, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Turner, Venable, Warren, White (L) and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 627. To relate to the authority of the highway director to administer public transportation programs; to amend sections 23-1-21.1 and 23-1-21.2, Code of Alabama 1975, so as to provide further for such authority of the highway director.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Bowling, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Coleman, Cosby, Davis, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Holley, Hooper, Johnson (RG), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, McKee, McMillan, Marietta, Mathis, Mikell, Mitchell, Newman, Newton, Onderdonk, Parker, Penry, Poole, Preuitt, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Turner, Venable, White (F), White (G), White (L) and Zoghby.

—61

Nay: Rep. McNair.

—1

H. 223 TAKEN UP

And the bill:

H. 223. To exempt all persons employed in public, private, and church schools from liability for certain communications to the parents of a minor child, law enforcement officers or health care providers concerning the suspected use, possession, sale or furnishing of any controlled substance by any minor child.

Which was temporarily postponed on the eleventh legislative day, was taken up.

S. 73 SUBSTITUTED FOR H. 223

On motion of Rep. Hettinger, the bill, S. 73, was substituted for the bill, H. 223.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hettinger, Budget Isolation Resolution, S. B. 73, was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Bowling, Box, Brakefield, Brooks, Bryant, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Flowers, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Kennedy, Kvalheim, Lauderdale, McKee, McMillan, Mathis, Mikell, Mitchell, Newman, Newton, Onderdonk, Parker, Penry, Poole, Preuitt, Reed, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Turner, Venable, Warren, White (G), White (L) and Zoghby.

—63

And the bill:

S. 73. To exempt all persons employed in public, private, and church schools from liability for certain communications to the parents of a minor child, law enforcement officers or health care providers concerning the suspected use, possession, sale or furnishing of any controlled substance by any minor child.

Was read a third time at length and passed.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Box, Brakefield, Brooks, Bryant, Bugg, Burke, Buskey (John), Butler, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Flowers, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, McKee, McMillan, Marietta, Mathis, Melton, Mikell, Mitchell, Newman, Newton, Onderdonk, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Turner, Venable, Warren, White (G) and White (L).

—65

H. 223 INDEFINITELY POSTPONED

On motion of Rep. Hettinger, the bill, H. 223, was indefinitely postponed.

H. 78 RE-REFERRED

On motion of Rep. Grayson, the Speaker re-referred the bill, H. 78, from the Standing Committee on Ways and Means to the Standing Committee on Education.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Penry:

H. R. 181. HONORING COLONEL J. LLOYD BROWN FOR HIS DEDICATION AND CHRISTIAN LEADERSHIP.

H. 397 TAKEN UP

And the bill:

H. 397. (With Amendment): To provide that registration and polling places for state elections be accessible to handicapped and elderly individuals.

Which was temporarily postponed on the ninth legislative day, was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Constitution and Elections, said committee amendment being as follows:

Amend House Bill 397, page 4, Section 5, line 20, after the word "state" and the comma by striking ~~any~~ and inserting in lieu thereof an and on line 21, after the words "the county" and the comma by striking ~~including actions~~ and on line 30 after the word "institute" by striking ~~any actions~~ and inserting in lieu thereof an action and on line 31, at the beginning of line 31 by inserting local and on line 31 by striking ~~of Montgomery County~~ and on line 32 by striking ~~including actions~~.

And the amendment was adopted.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Box, Brooks, Bryant, Burke, Buskey (John), Butler, Clark (D), Clark (W), Dutton, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Holley, Hooper, Johnson (RG), Johnson (Roy), Kennedy, Kvalheim, Laird, McKee, McMillan, Marietta, Mathis, Melton, Mikell, Newman, Onderdonk, Poole, Preuitt, Rains, Reed, Rice, Sasser, Smith, Starkey, Tanner, Thomas, Turner and White (L).

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

S. 89 SUBSTITUTED FOR H. 397

On motion of Rep. Faulk, the bill, S. 89, was substituted for the bill, H. 397 as amended.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Faulk, Budget Isolation Resolution, S. B. 89, was adopted.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Box, Brooks, Bryant, Bugg, Burke, Butler, Clark (D), Clark (W), Flowers, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Holley, Holmes, Johnson (RG), Johnson (Roy), Kennedy, Kvalheim,

Laird, Lauderdale, McKee, McMillan, Mathis, Mikell, Newman, Onderdonk, Parker, Poole, Preuitt, Rains, Reed, Rice, Richardson, Smith, Starkey, Tanner, Thomas, Turner, Venable and White (L).

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 89. To provide that registration and polling places for state elections be accessible to handicapped and elderly individuals.

Was read a third time at length and passed.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blake, Boles, Box, Brooks, Bryant, Bugg, Burke, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Dutton, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Holley, Hooper, Johnson (RG), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, McKee, McMillan, Marietta, Mathis, Melton, Mikell, Mitchell, Newman, Newton, Onderdonk, Parker, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Tanner, Thomas, Turner, Venable, Warren, White (G) and White (L).

—66

H. 397 INDEFINITELY POSTPONED

On motion of Rep. Faulk, the bill, H. 397 as amended, was indefinitely postponed.

RESOLUTION

The following resolution was introduced:

By Rep. Blakeney:

H. J. R. 182. PROCLAIMING WEEK OF MAY 5-11, 1985 NATIONAL MENTAL HEALTH COUNSELORS WEEK.

WHEREAS, mental health counselors work in a specialized field of professional counseling which emphasizes the developmental and adjustive nature of mental health services; and

WHEREAS, mental health counselors utilize individual and group counseling techniques oriented toward assisting individuals with methods of problem solving, personal and social development, decision making, and the complex process of developing self-understanding and making life decisions; and

WHEREAS, mental health counselors work in conjunction with other mental health professionals, such as psychiatrists, psychologists, and social workers to determine the most appropriate treatment for each patient; and

WHEREAS, mental health counselors work in psychiatric hospitals, community mental health centers, community hospitals, private clinics, rehabilitation centers, private practice settings and on college campuses, providing almost 50 per centum of direct delivery of mental health services; and

WHEREAS, mental health counselors are providers of mental health services upon whom, by virtue of their education and extensive training, have been conferred Masters, Specialists, or Doctoral Degrees in Mental Health Counseling or related areas of study having a focus on mental health; and

WHEREAS, mental health counselors, after having earned such degrees, have performed at least two years of supervised clinical counseling, and are credentialled as Licensed Professional Counselors in Alabama, and, are further certified by the National Academy of Certified Clinical Mental Health Counselors, now therefore

BE IT RESOLVED BY THE LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That the week of May 5-11, 1985 is hereby proclaimed as "National Mental Health Counselors Week".

On motion of Rep. Blakeney, the rules were suspended and the resolution, H. J. R. 182, was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of the Special Order Calendar.

And the bill:

H. 88. To propose an amendment to the Constitution of 1901, authorizing the Legislature to provide for promotion of production, distribution, marketing, use, improvement and sale of wheat and other feed grains as defined and authorized by the Legislature.

Which was taken up on the thirteenth legislative day, was taken up.

MOTION TO POSTPONE TABLED

On motion of Rep. Hall, the motion offered by Rep. Mathis to postpone consideration of the bill, H. 88, to the seventeenth legislative day, was tabled.

Yeas 60; Nays 9.

Yeas:

Mr. Speaker, Albright, Beasley, Blake, Blakeney, Bowling, Brakefield, Britnell, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Mikell, Mitchell, Newman, Onderdonk, Parker, Penry, Poole, Preuitt, Rains, Richardson, Smith, Starkey, Starr, Thomas, Turner, Warren, White (F), White (L) and Zoghby.

Nays:

Reps. Bachus, Beers, Brooks, Dutton, Mathis, Rice, Seibels, Tanner and White (G).

—9

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 98. PETITIONING THE CONGRESS OF THE UNITED STATES TO RETAIN THE WORK INCENTIVE PROGRAM AND TO PROVIDE A REASONABLE FUNDING LEVEL CONSISTENT WITH PROGRAM NEEDS AND RESPONSIBILITIES FOR HELPING RECIPIENTS OF AID TO DEPENDENT CHILDREN IN BECOMING PRODUCTIVE UNSUBSIDIZED WAGE EARNERS.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 208. Relating to the City of Mobile; amending Section 22 of Act No. 243, H. 278, 1964 First Special Session (Acts 1964, p. 326), relating to the pension and relief system for police and fire department members, so as to allow any member of the system to withdraw from participation at any time.

Also:

H. 211. To provide for an adjustment in certain benefits paid under the pension and relief system for policemen and firemen of the City of Mobile to retired members of such system who retired after October 1, 1977, and before May 4, 1978.

McDOWELL LEE,
Secretary.

REPORT OF STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 719. Relating to Mobile County, to provide for the deposit of moneys collected by the Mobile County License Commissioner and other elected officials in Mobile County.

JIMMY CLARK,
Chairman.

And the bill, H. 719 as engrossed, was sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 208. Relating to the City of Mobile; amending Section 22 of Act No. 243, H. 278, 1964 First Special Session (Acts 1964, p. 326), relating to the pension and relief system for police and fire department members, so as to allow any member of the system to withdraw from participation at any time.

Also:

H. 211. To provide for an adjustment in certain benefits paid under the pension and relief system for policemen and firemen of the City of Mobile to retired members of such system who retired after October 1, 1977, and before May 4, 1978.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 98. PETITIONING THE CONGRESS OF THE UNITED STATES TO RETAIN THE WORK INCENTIVE PROGRAM AND TO PROVIDE A REASONABLE FUNDING LEVEL CONSISTENT WITH PROGRAM NEEDS AND RESPONSIBILITIES FOR HELPING RECIPIENTS OF AID TO DEPENDENT CHILDREN IN BECOMING PRODUCTIVE UNSUBSIDIZED WAGE EARNERS.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

H. 88 RESUMED

And the bill, H. 88, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 10.

Yeas:

Mr. Speaker, Albright, Beasley, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Lindsey, McKee, McMillan, Marietta, Melton, Mikell, Mitchell, Newman, Onderdonk, Parker, Penry, Poole, Preuitt, Richardson, Smith, Starkey, Starr, Thomas, Turner, Warren, White (F), White (L) and Zoghby.

—64

Nays:

Reps. Bachus, Beers, Brooks, Dutton, Mathis, Rains, Rice, Seibels, Tanner and White (G).

—10

SPECIAL ORDER RESUMED

And the bill:

H. 89. To authorize and provide for the promotion of the production, marketing, use and sale of wheat, corn, grain sorghum, and oats and wheat, corn, grain sorghum, and oats products by research, education, advertising and other methods; and prescribing a method whereby wheat, corn, grain sorghum, and oat producers may act jointly with handlers, buyers, processors, the State Board of Agriculture and Industries, and others, for a promotional program; providing that producers may by referendum levy upon themselves assessments for financing a promotional program and for the collection, disbursements and expenditures of funds collected from assessments, the regulations, requirements and authority relative thereto; providing for non-assessments, or refund of assessments; prescribing duties of the Commissioner of Agriculture and Industries and the State Board of Agriculture and Industries with respect to a promotional program for the wheat, corn, grain sorghum, and oats producers of Alabama; and providing for the administration thereof by a nonprofit association which is fairly and substantially representative of the producers of wheat, corn, grain sorghum, and oats throughout the State; and providing for collection and distribution of assessments by dealers, handlers, and buyers of wheat, corn, grain sorghum, and oats; requiring an annual permit of such dealers, processors, and other buyers; and other administrative, enforcement, promotional, and penalty provisions.

Was taken up.

AMENDMENT OFFERED

Rep. Mathis offered the following amendment to the bill, H. 89:

Amend House Bill 89, page 9, immediately following line 29 by inserting a new Section 16 and renumbering remaining sections accordingly. New Section 16 to read as follows:

Section 16. Any producer of grains against whom an assessment is made under authority of this article may avoid payment of such assessment

by filing a written notice in triplicate form with the sales market or purchaser of grains for each buyer to whom he sells in a given marketing season, which said form shall bear the date of sale, the total acres to be harvested and the signature, address and telephone number of the seller. Such avoidance shall apply to all sales of such producer to such buyers after such notice for the balance of such marketing season. The marketing season shall begin July 1 of each year and end on June 30 of each year. The sales market or purchaser of such grains as shall be included in said notice shall not be required to remit any assessment as to such purchase and sale, upon his filing with the commissioner of agriculture and industries two copies of said notice furnished by the said seller.

AMENDMENT TABLED

On motion of Rep. Hall, the amendment offered by Rep. Mathis to the bill, H. 89, was tabled.

Yeas 43; Nays 26.

Yeas:

Mr. Speaker, Albright, Blake, Bowling, Britnell, Bryant, Bugg, Burke, Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Faulk, Flowers, Gaston, Goodwin, Grayson, Grouby, Hall, Harper, Harvey, Hettinger, Hooper, Kennedy, Kvalheim, Lauderdale, McKee, McMillan, Mitchell, Newman, Parker, Penry, Preuitt, Richardson, Smith, Starkey, Starr, Turner, Warren, White (L) and Zoghby.

—43

Nays:

Reps. Bachus, Beasley, Beers, Black, Blakeney, Box, Brooks, Cosby, Dutton, Hammett, Laird, McNair, Marietta, Mathis, Onderdonk, Rains, Reed, Rice, Sasser, Seibels, Tanner, Thomas, Trammell, Venable, White (F) and White (G)

—26

And the bill, H. 89, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 9.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Bryant, Bugg, Burke, Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, McKee, McMillan, Marietta, Melton, Mitchell, Newman, Onderdonk, Parker, Penry, Poole, Preuitt, Reed, Rice, Richardson, Sasser, Smith, Starkey, Starr, Thomas, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—67

Nays:

Reps. Bachus, Beers, Brooks, Dutton, Mathis, Rains, Tanner, Trammell and White (G).

—9

BUDGET ISOLATION RESOLUTION

On motion of Rep. White (L), Budget Isolation Resolution, H. B. 194, was adopted.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Beers, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Coleman, Cosby, Crow, Davis, Dutton, Escott, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, McMillan, Marietta, Mathis, Melton, Mikell, Mitchell, Newman, Newton, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—74

And the bill:

H. 194. To amend Sections 34-23-30, 34-23-32, 34-23-50, and 34-23-52, Code of Alabama 1975, which provide license fees established by the board of pharmacy, so as to provide further for said fees.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 2.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Beers, Biddle, Blake, Blakeney, Boles, Bowling, Box, Britnell, Bryant, Bugg, Burke, Buskey (John), Butler, Carter, Clark (D), Clark (J), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, McKee, McMillan, Marietta, Melton, Mikell, Mitchell, Newman, Newton, Onderdonk, Parker, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starr, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—77

Nays: Reps. Brooks and Mathis.

—2

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harvey, Budget Isolation Resolution, H. B. 58, was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Albright, Bachus, Beasley, Beers, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Coleman, Crow, Davis, Dutton, Faulk, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Hooper, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Mathis, Melton, Mitchell, Newman, Newton, Parker, Penry, Perdue, Poole, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Turner, Venable, Warren, White (F) and Zoghby.

—66

And the bill:

H. 58. To amend Section 9-13-82(a) of the Code of Alabama 1975, so as to provide for severance of forest products at an increased tax rate; and in addition to all other appropriations, to provide for a \$1,800,000.00 appropriation to the Alabama Forestry Commission from the general fund for the 1985-86 state fiscal year.

Was taken up.

SUBSTITUTE OFFERED

Rep. Harvey offered the following substitute to the bill, H. 58:

A BILL TO BE ENTITLED AN ACT

To amend Section 9-13-82(a) of the Code of Alabama 1975, so as to provide for severance of forest products at an increased tax rate.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9-13-82(a) of the Code of Alabama 1975 is hereby amended to read as follows:

“§9-13-82.

“(a) The measure of the tax is at the following rates:

“(1) On pine lumber, ~~\$0.20~~ \$0.40 per 1,000 feet board measure lumber tally. Where the timber is sold as logs and is not converted into lumber in Alabama, the rate shall be ~~\$0.30~~ \$0.60 per 1,000 feet log scale (Doyle rule) except that logs under eight inches in diameter inside the bark at the small end shall be scaled as containing one foot log scale for each foot of length.

“(2) On hardwood, cypress and all other species of lumber, ~~\$0.12~~ \$0.24 per 1,000 feet board measure lumber tally. Where the timber is sold as logs and is not converted into lumber in Alabama, the rate shall be ~~\$0.20~~ \$0.40 per 1,000 feet log scale (Doyle rule) except that logs under eight inches in diameter inside the bark at the small end shall be scaled as containing one foot log scale for each foot of length.

“(3) On pulpwood, chemical wood and bolts, ~~\$0.10~~ \$0.20 per standard cord of 128 cubic feet.

"(4) On crossties, six tenths of ~~\$0.01~~ \$0.02 per piece and on switch ties, ~~\$0.01~~ \$0.02 per piece.

"(5) On mine ties and coal mine props, ~~\$0.05~~ \$0.10 per 100 pieces.

"(6) On pine ore mine props, ~~\$0.30~~ \$0.60 per 1,000 feet log scale (Doyle rule) and on hardwood ore mine props, ~~\$0.20~~ \$0.40 per 1,000 feet log scale (Doyle rule) except that props under eight inches in diameter at the small end shall be scaled as containing one foot log scale for each foot of length. In lieu of the foregoing schedule of taxes on ore mine props, the taxpayer may elect to pay the taxes due thereon at the rate of ~~\$1.25~~ \$2.50 per 1,000 lineal feet regardless of species.

"(7) On piling and poles, ~~three-fourths of one percent one and one-half percent~~ \$1.50 per thousand board feet (Doyle Scale). ~~on invoice value at loading out point which shall be based on the amount paid for the pilings at the stump.~~

"(8) ~~On poles, one-half of one percent on invoice value at loading out point which shall be based on the amount paid for the poles at the stump.~~

"(9) (8) On turpentine (crude gum), ~~\$0.06~~ \$0.12 per barrel of 400 pounds.

"(10) (9) On stumpwood (tarwood), ~~\$0.05~~ \$0.10 per ton (2,000 lbs.).

"(11) (10) On pulpwood chips, ~~\$0.10~~ \$0.20 per cord of a standard cord of 5,000 lbs."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Browder, Bugg, Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Crow, Davis, Dutton, Faulk, Flowers, Gaston, Goodwin, Grouby, Hammett, Harvey, Hettinger, Hooper, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Lindsey, McKee, McMillan, Mathis, Mikell, Mitchell, Newman, Newton, Parker, Penry, Perdue, Poole, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Spratt, Starkey, Starr, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—61

PERMISSION GRANTED

Permission was granted for the Journal to show that had Rep. Lindsey been present at the time of voting, he would have voted "Yea" on the bill, H. 89.

MOTION TO ADJOURN LOST

The motion offered by Rep. Harper that the House adjourn until twelve o'clock noon, Tuesday, April 2, 1985, was lost.

Yeas 36; Nays 40.

Yeas:

Mr. Speaker, Beasley, Biddle, Boles, Bowling, Brooks, Buskey (John), Carothers, Carter, Clark (D), Crow, Davis, Dutton, Escott, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Hooper, Johnson (Roy), Lauderdale, Lindsey, McDowell, McNair, Mathis, Melton, Parker, Preuitt, Reed, Rice, Rogers, Sasser, Starkey and Trammell.

—36

Nays:

Reps. Adams, Albright, Blake, Blakeney, Box, Britnell, Bryant, Bugg, Butler, Clark (J), Coleman, Cosby, Faulk, Ford, Hall, Harvey, Hettinger, Holley, Johnson (RG), Kennedy, Kvalheim, Laird, McKee, McMillan, Martin, Mitchell, Newman, Onderdonk, Penry, Poole, Rains, Richardson, Seibels, Smith, Starr, Thomas, Turner, Warren, White (F) and White (L).

—40

H. 58 RESUMED

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Holley to indefinitely postpone the bill, H. 58 as amended, was lost.

Yeas 12; Nays 60.

Yeas:

Reps. Boles, Bryant, Buskey (John), Clark (D), Dutton, Goodwin, Gray, Holley, McDowell, Poole, Rains and Trammell.

—12

Nays:

Reps. Adams, Beasley, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Butler, Carothers, Carter, Clark (J), Coleman, Cosby, Crow, Faulk, Flowers, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Martin, Mathis, Mikell, Mitchell, Newman, Onderdonk, Parker, Penry, Perdue, Preuitt, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starr, Turner, Warren, White (F), White (G), White (L) and Zoghby,

—60

And the bill:

H. 58. To amend Section 9-13-82(a) of the Code of Alabama 1975, so as to provide for severance of forest products at an increased tax rate.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 66; Nays 8.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Bowling, Box, Brakefield, Britnell, Browder, Bugg, Burke, Butler, Carothers, Carter, Clark (J), Coleman, Cosby, Crow, Dutton, Faulk, Gaston, Gray, Grayson, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, Martin, Mathis, Mikell, Mitchell, Newman, Newton, Parker, Penry, Perdue, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—66

Nays:

Reps. Boles, Brooks, Bryant, Clark (D), Goodwin, Holley, Poole and Trammell.

—8

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Turner, the rules were suspended in order to bring up the Budget Isolation Resolution relating to H. B. 615, out of order.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Turner, Budget Isolation Resolution, H. B. 615, was adopted.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Beers, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Crow, Davis, Dutton, Faulk, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Martin, Mathis, Melton, Mitchell, Newman, Newton, Parker, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Venable, Warren, White (F), White (G) and White (L).

—76

And the bill:

H. 615. (With Amendment): To provide an appropriation of \$50,000 from the State General Fund to the State Department of Finance for Alabama's share of expenses for the opening ceremonies of the Tennessee-Tombigbee Waterway.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To provide an appropriation of \$100,000 from the State General Fund to the State Department of Finance for Alabama's share of expenses for the

opening ceremonies of the Tennessee-Tombigbee Waterway in Columbus, Mississippi and Mobile, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated from the State General Fund \$100,000 to the State Department of Finance for Alabama's share of expenses for the opening ceremonies of the Tennessee-Tombigbee Waterway in Columbus, Mississippi and Mobile, Alabama.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Beasley, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Crow, Davis, Dutton, Faulk, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Lindsey, McKee, McMillan, Mathis, Melton, Mikell, Mitchell, Newman, Newton, Parker, Penry, Perdue, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F) and White (L).

—69

And the bill:

H. 615. To provide an appropriation of \$100,000 from the State General Fund to the State Department of Finance for Alabama's share of expenses for the opening ceremonies of the Tennessee-Tombigbee Waterway in Columbus, Mississippi and Mobile, Alabama.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 73; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Crow, Dutton, Faulk, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Martin, Mathis, Mitchell, Newman, Newton, Parker, Penry, Perdue, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G) and White (L).

—73

Nay: Rep. Holley.

—1

SPECIAL ORDER RESUMED
BUDGET ISOLATION RESOLUTION

On motion of Rep. Harvey, Budget Isolation Resolution, H. B. 602, was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Crow, Dutton, Escott, Faulk, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harvey, Hettinger, Hooper, Johnson (RG), Johnson (Roy), Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Newton, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—72

And the bill:

H. 602. Relating to additional expenses of the Alabama Forestry Commission; to make a supplemental appropriation to the Alabama Forestry Commission for the fiscal year ending September 30, 1986, for salaries, operating expenses and equipment purchases of the Commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Newton, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venble, Warren, White (F), White (G) and White (L).

—82

MOTION TO ADJOURN LOST

The motion offered by Rep. Holley that the House adjourn until twelve o'clock noon, Tuesday, April 2, 1985, was lost.

Yeas 24; Nays 51.

Yeas:

Mr. Speaker, Biddle, Boles, Bryant, Buskey (John), Carter, Crow, Davis, Flowers, Gray, Grayson, Hammett, Holley, Johnson (Roy), Lauderdale, McNair, Melton, Newton, Preuitt, Rains, Reed, Sasser, Trammell and Venable.

—24

Nays:

Reps. Adams, Albright, Bachus, Beasley, Beers, Blake, Blakeney, Bowling, Brakefield, Britnell, Brooks, Browder, Bugg, Butler, Carothers, Clark (D), Clark (J), Coleman, Cosby, Faulk, Goodwin, Grouby, Hall, Harvey, Hettinger, Hooper, Johnson (RG), Kvalheim, Laird, Lindsey, McKee, McMillan, Martin, Mathis, Mikell, Mitchell, Newman, Onderdonk, Parker, Penry, Poole, Rice, Richardson, Seibels, Smith, Starr, Tanner, Warren, White (F), White (G) and White (L).

—51

H. 59 TEMPORARILY POSTPONED

On motion of Rep. Harvey, the bill, H. 59, which was temporarily postponed as amended on the ninth legislative day, was temporarily postponed.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Davis, Budget Isolation Resolution, H. B. 603, was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Bachus, Beasley, Black, Blake, Blakeney, Boles, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Gray, Grayson, Hall, Harper, Hettinger, Holley, Johnson (RG), Johnson (Roy), Kennedy, Kvalheim, Laird, Lindsey, McMillan, McNair, Mathis, Melton, Mikell, Newman, Newton, Onderdonk, Penry, Poole, Preuitt, Rice, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (G) and White (L).

—67

And the bill:

H. 603. To amend Section 41-9-708, Code of Alabama 1975, relating to the Alabama Indian Affairs Commission, so as to give the Ma-Chis Lower Creek Indian Tribe representation on said commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Gray, Grayson, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Johnson (RG), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta,

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Melton, Mikell, Mitchell, Newman, Newton, Parker, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Seibels, Smith, Spratt, Starr, Tanner, Thomas, Trammell, Venable, Warren, White (F), White (G) and Zoghby.

—85

Nay: Rep. Turner.

—1

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Escott, Newton, McNair, McDowell, Davis, Spratt, Rogers and Perdue:

H. R. 183. COMMENDING DONALD LAWRENCE SOLOMON OF BIRMINGHAM, ALABAMA.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Johnson (Roy), Budget Isolation Resolution, H. B. 466, was adopted.

Yeas 64; Nays 0.

Yeas:

Reps. Albright, Beers, Black, Blake, Boles, Box, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Dutton, Escott, Faulk, Gaston, Goodwin, Gray, Grayson, Hall, Hammett, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Lindsey, McKee, Mitchell, Newman, Newton, Parker, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Seibels, Smith, Spratt, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (G) and Zoghby.

—64

And the bill:

H. 466. (With Amendment): To amend section 32-5-17, Code of Alabama 1975, relating to the nuisance of casting a light from a motor vehicle on real property at night, so as to change the hours of its effect.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Natural Resources, said committee amendment being as follows:

Amend H. B. 466, page 1, Section 1, lines 34 and 35 by striking the figures ~~\$50.00~~ and ~~\$100.00~~ and inserting in lieu thereof the following: \$100.00 and \$500.00

And the amendment was adopted.

Yeas 75; Nays 1.

Yeas:

Reps. Albright, Bachus, Beasley, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, Mathis, Melton, Mikell, Mitchell, Newman, Newton, Parker, Perdue, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—75

Nay: Rep. Holley.

—1

AMENDMENT OFFERED

Rep. Johnson (Roy) offered the following amendment to the bill, H. 466 as amended:

Amend House Bill 466, Page 1, Section 1, Subsection (a), line 32 after the word "rent" by adding the following language:

or to employees of utilities while performing the duties of their employment

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 75; Nays 0.

Yeas:

Reps. Albright, Bachus, Beasley, Beers, Blake, Blakeney, Boles, Bowling, Box, Britnell, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Gray, Grayson, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, Mathis, Mitchell, Newman, Newton, Parker, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (G), White (L) and Zoghby.

—75

AMENDMENT OFFERED

Rep. Biddle offered the following amendment to the bill, H. 466 as amended:

Amend House Bill 466, page 1, at the beginning of line 25, after the figure "10 p.m." by striking sunset and inserting in lieu thereof 8:00 p.m.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 76; Nays 3.

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Yeas:

Reps. Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, Marietta, Mathis, Melton, Mikell, Newman, Newton, Parker, Perdue, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G) and White (L).

—76

Nays: Reps. Faulk, McMillan and Penry.

—3

And the bill, H. 466, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 3.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Black, Blake, Boles, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Dutton, Escott, Faulk, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Mathis, Melton, Newman, Newton, Onderdonk, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G) and White (L).

—78

Nays: Reps. Holley, Mikell and Poole.

—3

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 466:

Reps. Albright, Beers, Blake, Britnell, Brooks, Bryant, Burke, Butler, Carothers, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Gaston, Goodwin, Gray, Grouby, Hall, Harper, Hooper, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McNair, Mathis, Melton, Mitchell, Newman, Newton, Parker, Perdue, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Seibels, Spratt, Starkey, Tanner, Thomas, Turner, Venable, Warren and White (G).

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolution and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:45 A.M. on March 28, 1985.

H. 526.

Delivered to the Governor at 1:55 P.M. on March 28, 1985.

H. 208.

H. 211.

H. J. R. 98.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Rice and pursuant to the motion heretofore adopted, the House adjourned until twelve o'clock noon, Tuesday, April 2, 1985.

FIFTEENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, April 2, 1985

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Wilber Kissell, St. Peter's Catholic Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby

—103

A quorum was present.

REPORT ON STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourteenth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark (J), the reading at length of the Journal of the House for the fourteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fourteenth legislative day was approved.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Holley:

H. J. R. 184. RESCINDING AND REPEALING H. J. R. 171 RELATING TO THE SALE OF CONRAIL.

WHEREAS, the House of Representatives previously adopted H. J. R. 171 relating to the sale of Conrail; and

WHEREAS, the House of Representatives needs additional time to study the sale of Conrail before taking a stand; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby repeal and rescind the action wherein H. J. R. 171 was previously adopted by the House of Representatives.

BE IT FURTHER RESOLVED, That the Clerk of the House of Representatives is directed to forward copies of the resolution, without delay, to members of Alabama's Congressional Delegation that they may be advised of that the Legislature has rescinded H. J. R. 171 relating to the sale of Conrail.

On motion of Rep. Holley, the rules were suspended and the resolution, H. J. R. 184, was adopted.

Also:

By Rep. Clark (J):

H. J. R. 185. COMMENDING LEONARD YANCEY DEAN, III, OF EUFAULA, ALABAMA.

WHEREAS, Leonard Yancey Dean, III, of Eufaula, Alabama, is a prominent and highly successful banker who has given generously of his time and extraordinary talents to the community, and in service to the citizens thereof; and

WHEREAS, Mr. Dean, who is widely and affectionately known as "Yank" Dean, has most particularly rendered invaluable service as a member of the Eufaula City Board of Education for a total of some forty years, from 1941 until 1947 and again from 1952 until his April 1985 retirement; and

WHEREAS, during his productive school board tenure, Mr. Dean served six one-year terms as president and played an instrumental role in the planning and construction of two elementary schools, a middle school and a new high school; he also was a member of the board of directors of the Alabama Association of School Boards for a four-year period; and

WHEREAS, Mr. Dean, however, has expanded his selfless commitment to the community to encompass a number of other areas including the active support and promotion of the restoration movement in Eufaula; and

WHEREAS, he further has been active statewide as a former president of the Alabama Banking Association, a director of the State Chamber of Commerce and as a member of a number of other state boards and associations; and

WHEREAS, Mr. Yank Dean is indeed the epitome of a responsible and contributing citizen, and the beneficiaries of his achievements, his wisdom, his generosity and his love have been the City of Eufaula and the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize with gratitude the numerous and notable accomplishments, on behalf of others, of Leonard Yancey Dean, III, whom we hold in highest regard and to whom a copy of this resolution shall be presented.

On motion of Rep. Clark (J), the rules were suspended and the resolution, H. J. R. 185, was adopted.

BILLS ON SECOND READING

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 670. Relating to Tuscaloosa County; providing additional compensation for poll workers and poll officials, payable from any unencumbered funds in the county treasury.

H. 768. Relating to Chilton County, providing further for the compensation of the members of the board of registrars.

Rep. Boles, Chairman of the Standing Committee on Local Legislation No. 2 reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 740. To amend Section 36, Subsection (1) of Act No. 84-131, H. 13, Regular Session 1984, relating to horse racing in Class 1 municipalities and the distribution of revenues to the sponsoring municipality, so as to change the percentage of allocation to the net revenues.

H. 819. Relating to Jefferson County; to alter and rearrange the boundaries of the city of Hueytown, so as to exclude certain territory from the corporate limits of the city.

H. 51. Relating to Jefferson County; amending Section 5 of Act No. 176, S. 117 of the Extraordinary Session of 1936 (General and Local Acts 1936, p. 206) as last amended by Section 1 of Act No. 217, H. 261 of the First Special Session of 1964 (Acts 1964, p. 299) relating to notification procedures for ad valorem tax assessments in said county, so as to provide further for such procedures.

RESOLUTIONS

The following resolution was introduced:

By Rules Committee:

H. R. 186. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That immediately upon adoption of this resolution, all uncontested

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local bills and bills listed below, along with Budget Isolation Resolutions pertinent thereto and attached hereto, shall be made the special, paramount and continuing order of business for the 15th Legislative Day of the 1985 Regular Session only, Tuesday, April 2, 1985, taking precedence over all unfinished business and any other business of the House until such time as said resolutions and bills are disposed of:

All uncontested local bills as they appear on the Calendar

<u>Bill No. & Sponsor</u>	<u>Page</u>
<u>H. 649</u> —By Johnson, Roy	90
Local Govt. Improvement Fund; investment of certain monies	
<u>H. 203</u> —By Coleman	55
Teachers retirement system, support personnel to elect two members to board of control	
<u>H. 75</u> —By Seibels	36
Bestiality, crim. penalties provided, Secs. 13-6-60, 13A-6-64 am'd.	
<u>H. 280</u> —By Carothers	15
Hazardous waste storage facilities and disposal sites. Dept. of Environmental Management to monitor, Secs. 22-30-4 and 22-30-18 am'd. Secs. 22-30-5 and 22-30-7 repealed.	
<u>H. 629</u> —By Clark J	80
Mental Health Department and Mental Retardation, established as special school district, district superintendent of education appointed by commissioner	
<u>H. 103</u> —By Starr (As Amended)	9
Public contracts, expenditure of public funds for leases, regulated	
<u>H. 275</u> —By Kennedy	27
Telephone call boxes, on cert. highways, auth.	
<u>H. 358</u> —By Warren (As Substituted)	49
Arson further def., relating to malicious burning of woodlands, Sec. 9-13-11 am'd: Ala. Wood Lands Protection act.	
<u>H. 95</u> —By Clark J	17
Dentistry, practice of by dentists and dental hygienists, further reg., Secs. 34-9-1, 34-9-9, 34-9-11, 34-9-17, 34-9-18, 34-9-22, 34-9-25, 34-9-26, 34-9-27, 34-9-29, 34-9-41 and 34-9-43 am'd.	
<u>H. 606</u> — Blake	77
Wreckers, exempt from Public Service Commission reg., Sec. 37-3-4 am'd.	
<u>H. 146</u> —By Biddle	10
Bid law, state hospitals exempt	

<u>H. 490</u> —By Holley	65
District Court judge, salary regulated	
<u>H. 590</u> —By Holley	62
Water Pollution Control Grant Fund created; Ala. Dept. Environ, Mgt. to make grants to cos., muns., or publ corp. for publ. corp. for purposes of constructing sewage treatment facilities.	
<u>H. 9</u> —By Crow	13
Bid law, minimum amt. of contracts, incr., Sec. 41-16-50 am'd.	
<u>H. 40</u> —By Onderdonk	39
Municipal ordinances, bail of persons changed under, judgments of municipal courts, appeal to circuit court, Secs. 12-14-5 and 12-14-70 am'd.	
<u>H. 116</u> —By Campbell	2
Administrative Procedure Act, Chapter 22, Title 41 am'd.	
<u>H. 242</u> —By Gaston	20
Worthless checks, presentation of for valid debt, provided, Sec. 13A-9-13.1 am'd.	
<u>H. 312</u> —By Parker (As Substituted)	56
Education, requires certain regulations pertaining to personnel records of employees	
<u>H. 342</u> —By Carter	67
State Park Revolving Fund, allocation made for major repairs, maintenance service, capital outlay and imp. to land, bldgs. and equip., Sec. 9-2-107 am'd.	
<u>H. 451</u> —By Harper	40
Oysters, sacking and tagging, regulated	
<u>H. 461</u> —By White F	73
Writ of habeas corpus, granted without delay, exceptions, Sec. 15-21-8 am'd.	
<u>H. 400</u> —By Cosby	48
Juvenile court proceedings further prescribe, upon transfer and certification as an adult offender thereafter tried as adult offender in same courts	
<u>H. 172</u> —By Smith	21
AGRICULTURAL FACILITIES WHICH ARE PERMITTED TO BE FINANCIAL BY AGRI. DEVELOPMENT AUTHORITY, SEC. 2-3A-2.	
<u>H. 214</u> —By Martin	25
CITIES WITH CERTAIN POPULATIONS, NEW COUNCIL FORM OF GOV'T. CREATED, SEC. 11-43-40 AMENDED.	

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<u>H. 600</u> —By Turnham (As Substituted)	60
Alabama Manufactured Housing Comm. created	
<u>H. 430</u> —By Penry	47
Municipal corporations, validation of cert. attempted incorporations invalidated by procedure irregularities	
<u>H. 220</u> —By Box	8
Judgments entered pursuant to pro tanto settlement clarified for inclusion with written receipts, releases, etc. Sec. 12-21-109 am'd.	
<u>H. 112</u> —By White L	25
Health and accident self-insurance group authorized for officers and employees of municipalities, use of public funds authorized	
<u>H. 447</u> —By Junkins	64
Teacher retirement system, cert. teachers eligible for retirement but remains active at death, surviving spouse benefits reg., Sec. 16-25-14 am'd.	
<u>H. 521</u> —By Grayson	81
Alabama A & M University, bd. of trustees, meetings, quorum alt., Secs. 16-49-26 and 16-49-27 am'd.	
<u>H. 468</u> —By Thomas	45
Voting, Dep. Registrar req. to be at court house during all official hours, Bd. of Registrars req. to be open certain time prior to election deadline.	
<u>H. 215</u> —By Smith J	77
State employees; payroll deductions from paychecks regulated	
<u>H. 457</u> —By Laird (As Substituted)	46
Onsite disposal systems regulated prior to subdivision being approved	
<u>H. 646</u> —By Tanner (As Amended)	69
Child care facilities, records and background information checks on operators and other employees	
<u>S. 111</u> —By Bishop	78
County commissions, min. comp. estb., Sec. 11-3-4.1 am'd.	
<u>H. 524</u> —By Clark J	66
Athletic events, cert. ones exempt from gross receipts tax, Sec. 40-23-4 am'd.	
<u>S. 273</u> —By Foshee	103
Worthless checks, charges further provided, Sec. 8-8-15 added to Title 8, Chapter 8 of the Code	
<u>S. 191</u> —By Drinkard	85
Coosa Valley Development authority, approp, from the general fund	

<u>H. 650</u> —By Buskey, John	93
Library theft, crime of, created, penalties	
<u>H. 431</u> —By McDowell (As Amended and Substituted)	106
Bessemer, mayor-council form of government	
<u>H. 557</u> —By McNair	105
Elections, procedures for special elections to fill vacancies in legislature	
<u>S. 62</u> —By Holmes	93
Computer crime act, estab., penalties, provided	
<u>H. 724</u> —By Coburn	92
Legislative Fis. Off., duties alt., Sec. 29-5-7 Am'd.	
<u>H. 487</u> —By Johnson, Roy	115
Congress of Parents & Teachers to have representation on Teachers' Retirement Board	
<u>H. 354</u> —By Beers	79
Parental Notification	
<u>H. 569</u> —By Richardson	74
Indian Affairs Commission; Native Americans of Jackson County	
<u>H. 708</u> —By Johnson, Roy	103
Federal Truth-in-Lending Act, amended	
<u>H. 456</u> —By Hooper	45
Places of voting designated	

On motion of Rep. Clark (J), the resolution, H. R. 186, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Hall, Butler and Hettinger:

H. R. 187. COMMENDING WILLIAM ROBERT SPEARS OF NEW HOPE, MADISON COUNTY, ALABAMA, FOR OUTSTANDING SERVICE TO THE COMMUNITY.

Also:

The following resolution was introduced:

By Rep. Laird:

H. J. R. 188. CREATING THE ALABAMA LEGISLATIVE CONGRESSIONAL ADVISORY COMMITTEE ON THE TEXTILE INDUSTRY.

WHEREAS, the economic plight of the Alabama textile workers is of great concern to the Alabama legislature; and

WHEREAS, it is felt by this legislature that certain representative Alabamians should have a voice to express pertinent desires and concerns to our elected officials in Washington and to advise such officials of the needs of the Alabama textile industry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a continuing, joint legislative committee to be known as the Alabama Legislative Congressional Advisory Committee on the Textile Industry to consist of 14 members as follows: five members of the House of Representatives to be appointed by the presiding officer of the House of Representatives; five members of the Senate to be appointed by the presiding officer of the Senate; four non-legislative members with two appointed by the Speaker of the House of Representatives and two appointed by the Lieutenant Governor. This committee and its members shall make a continuous study of existing and proposed congressional textile industry programs, advise the Alabama congressional delegation on the needs of Alabama textile industry, and testify before congressional committees concerning textile industry programs affecting the textile workers of this state and region. Each legislative member of this committee shall be entitled to his usual legislative pay, travel expenses and per diem for each day spent in attending such committee meetings or on business of the committee within the state and shall receive legislative pay and be reimbursed for all actual expenses for such out-of-state travel. The members of the committee who are not members of the legislature shall receive no pay but shall be reimbursed for actual expenses incurred in attending committee meetings or on business of the committee within and without the state. The committee may spend up to \$20,000.00 from funds appropriated for the use of the legislature. The committee shall report to the legislature on or before the tenth legislative day of each regular session.

BE IT FURTHER RESOLVED, That the Speaker of the House shall appoint one member from the House as co-chairman and the Lieutenant Governor shall appoint one member of the Senate as co-chairman.

RESOLVED FURTHER, That the committee shall have authority to employ all necessary staff to perform the functions of this committee. Such employees of the committee shall be paid out of any funds appropriated for the use of the legislature.

MOTION TO SUSPEND RULES ADOPTED

The motion offered by Rep. Laird to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 188, was adopted.

Yeas 40; Nays 5.

Yeas:

Reps. Adams, Beasley, Blake, Blakeney, Bowling, Britnell, Bryant, Burke, Butler, Carter, Clark (D), Clark (J), Fuller, Goodwin, Gray, Harper, Holley, Hooper, Johnson (RG), Johnson (Roy), Laird, Lauderdale, McKee, McMillan, Mikell, Onderdonk, Parker, Preuitt, Rains, Reed, Richardson, Sasser, Smith, Starr, Thomas, Venable, Warren, White (F), White (G) and White (L).

Nays:

Reps. Box, Buskey (James), Buskey (John), Kennedy and Turner. —5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the resolution, H. J. R. 188, was adopted.

Yeas 51; Nays 2.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Black, Blake, Blakeney, Brakefield, Britnell, Bryant, Bugg, Burke, Buskey (James), Butler, Carter, Clark (D), Clark (J), Faulk, Fuller, Gaston, Goodwin, Harper, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Laird, Lauderdale, McMillan, Mathis, Mikell, Newton, Onderdonk, Perdue, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Thomas, Turner, Venable, Warren, White (F), White (G) and White (L).

—51

Nays: Reps. Brooks and McKee.

—2

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Foshee, Bishop, Covington, Teague and Cooley:

S. J. R. 102. CREATING THE ALABAMA LEGISLATIVE CONGRESSIONAL ADVISORY COMMITTEE ON FARM PROGRAMS.

WHEREAS, the economic plight of the Alabama farmer is of great concern to the Alabama legislature; and

WHEREAS, it is felt by this legislature that certain representative Alabamians should have a voice to express pertinent desires and concerns to our elected officials in Washington and to advise such officials of the needs of the Alabama farmer; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a continuing, joint legislative committee to be known as the Alabama Legislative Congressional Advisory Committee on Farm Programs to consist of 14 members as follows: five members of the House of Representatives to be appointed by the presiding officer of the House of Representatives; five members of the Senate to be appointed by the presiding officer of the Senate; four non-legislative members with two appointed by the Speaker of the House of Representatives and two appointed by the Lieutenant Governor. This committee and its members shall make a continuous study of existing and proposed congressional farm programs, advise the Alabama congressional delegation on the needs of Alabama farmers, and testify before congressional

committees concerning farm programs affecting the farmers of this state and region. Each legislative member of this committee shall be entitled to his usual legislative pay, travel expenses and per diem for each day spent in attending such committee meetings or on business of the committee within the state and shall receive legislative pay and be reimbursed for all actual expenses for such out-of-state travel. The members of the committee who are not members of the legislature shall receive no pay but shall be reimbursed for actual expenses incurred in attending committee meetings or on business of the committee within and without the State. The committee may spend up to \$20,000.00 from funds appropriated for the use of the legislature. The committee shall report to the legislature on or before the tenth legislative day of each regular session.

BE IT FURTHER RESOLVED, That the Speaker of the House shall appoint one member from the House as co-chairman and the Lieutenant Governor shall appoint one member of the Senate as co-chairman.

RESOLVED FURTHER, That the committee shall have authority to employ all necessary staff to perform the functions of this committee. Such employees of the committee shall be paid out of any funds appropriated for the use of the legislature.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 102, set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following resolution was introduced:

By Reps. Britnell, Lauderdale, and Newman:

H. J. R. 189. COMMENDING PHILLIPS HIGH SCHOOL, BEAR CREEK, ALABAMA, ON THE GIRLS BASKETBALL STATE 1A CHAMPIONSHIP.

WHEREAS, the Alabama Legislature, in highest commendation, extends heartiest congratulations to the Phillips High School "She-Bears" on their State 1A Girls Basketball Championship; and

WHEREAS, the "She-Bears" of Bear Creek, Alabama, under the talented direction of Head Coach Billy Wayne Roper and Assistant Coach Debbie Grubbs, posted a phenomenal 27-1 season record and, in addition to the State Title, also were North Central Conference, County and Area tournament champions; and

WHEREAS, in regional competition, the Phillips High School lady cagers downed Brilliant High School, 67-52, followed by 59-50 and 72-54 victories against Spring Garden and Beulah in the quarter-finals and the semi-finals, respectively; the State Championship belonged to the She-Bears after downing Pleasant Home 73-62 in the title game; and

WHEREAS, Phillips High, which broke a number of records in State competition, also placed MVP Cherie Epperson on the All-State first team, Deb McCarley on the second team and Julie Page, third team; other champion

"She Bears" are Patricia Adams, Darlenia Cummings, Pam Roper, Mary Camp, Myra Mann, Vickey Lawler, Belinda Mills, Tammy Cochran and Gina Frederick; and

WHEREAS, Coach Roper, in his three seasons at Phillips High School, has posted win-loss records of 10-10, 28-3 and 27-1, and this year was named Blue-Gray 1A Coach of the Year; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Head Coach Billy Wayne Roper, Coach Debbie Grubbs and the Phillips High School "She-Bears" on their 1984-85 State 1A Girls Basketball Championship, and direct that copies of this resolution be forwarded to the school for appropriate presentation and display.

On motion of Rep. Britnell, the rules were suspended and the resolution, H. J. R. 189, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Nicholson and Brakefield:

H. R. 190. COMMENDING JASON DANIEL

Also:

The following resolutions were introduced:

By Rep. Beers:

H. J. R. 191. COMMENDING COLLEEN MITCHELL OF BIRMINGHAM, ALABAMA'S 1985 EPILEPSY POSTER CHILD.

WHEREAS, Colleen Mitchell of Birmingham, Alabama, is a 10-year old, third grade student at Southminister Day School where she maintains an outstanding A-B grade average, and has twice achieved Honor Roll status during the current school year; and

WHEREAS, Colleen also has been a Brownie-Girl Scout for four years and this year, in her third year of piano study, will participate in two competitions; she further enjoys dance and drama and has appeared with the Birmingham Festival of Arts, dancing with the BCDC, and enjoys many other activities including swimming and gymnastics; and

WHEREAS, the Alabama House of Representatives further notes with highest commendation that Colleen has been chosen to serve as Alabama's 1985 Epilepsy Poster Child for the period March 1985-March 1986, a selection based on Colleen's outstanding achievement, despite medicinal and other complications; she is indeed a shining example of accomplishment and offers encouragement to all those who would strive to overcome any obstacle in order to pursue a full and productive life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Colleen Mitchell of Birmingham, Alabama's 1985 Epilepsy Poster Child, and direct that she receive a copy of this resolution expressing our sincere praise and warm best wishes for her every future success.

On motion of Rep. Beers, the rules were suspended and the resolution, H. J. R. 191, was adopted.

Also:

By Reps. Beers, Bachus and White (G):

H. R. 192. URGING CONGRESS TO ADOPT SCHOOL PRAYER AMENDMENT.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we strongly urge the U. S. Congress to adopt a proposed constitutional amendment authorizing voluntary prayer in public schools.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each member of the Alabama congressional delegation.

On motion of Rep. Beers, the rules were suspended and the resolution, H. R. 192, was adopted.

Also:

By Rep. Turner:

H. J. R. 193. CONGRATULATING MR. AND MRS. DORSEY J. POWELL ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the 60th Wedding Anniversary, April 5, 1985, of Mr. and Mrs. Dorsey J. Powell of Citronelle, Alabama; and

WHEREAS, in the sight of God, Dorsey Powell and Maude Tucker were joined in wedlock on April 5, 1925, in Sweetwater, Alabama, and these two fine people, forsaking all others, have remained in said Holy state for the past 60 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their wedding vows, setting an example to be emulated by all others who, in marriage, pledge themselves to one another until parted by death; and

WHEREAS, in celebration of this milestone in their journey through life together, Mr. and Mrs. Powell are being honored by their five children at a gala reception on April 5, 1985; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Citronelle, Alabama, Mr. and Mrs. Dorsey J. Powell, and wish them many more happy years together in their union blessed by God and their marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be presented to Mr. and Mrs. Powell that they may know of our congratulations and warm best wishes for the future.

On motion of Rep. Turner, the rules were suspended and the resolution, H. J. R. 193, was adopted.

Also:

By Reps. Turner and Onderdonk:

H. J. R. 194. DECLARING THE WEEK OF APRIL 28-MAY 5, 1985 AS ESTHER BENSON WEEK

WHEREAS, Esther Benson has served faithfully since April 1, 1965 as Librarian for the Citronelle Memorial Library; and

WHEREAS, Esther Benson has initiated many improvements and innovations during these twenty (20) years of service; and

WHEREAS, Esther Benson invests many hours each week assisting children, students, and adult patrons of the Citronelle Memorial Library; and

WHEREAS, Esther Benson has a genuine interest in promoting reading and the maximum use of the resources of the Citronelle Memorial Library; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Esther Benson be commended for her outstanding and dedicated service to the Citronelle Memorial Library, the City of Citronelle, and its citizens; and

BE IT FURTHER RESOLVED, that the members of the Alabama House of Representatives and the Alabama Senate hereby declare the week of April 28, 1985 through May 5, 1985 as Esther Benson Week; and

BE IT FURTHER RESOLVED, That Esther Benson be presented with a copy of this resolution in token of our appreciation and a copy be presented to hang in an appropriate place at the Citronelle Memorial Library.

On motion of Rep. Turner, the rules were suspended and the resolution, H. J. R. 194, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Junkins:

H. R. 195. COMMENDING BILL BRODEUR OF ETOWAH COUNTY, ALABAMA, AS AN OUTSTANDING EMERGENCY MEDICAL TECHNICIAN.

Also:

By Rep. Junkins:

H. R. 196. MOURNING THE DEATH OF JOHN W. DAWSON OF GADSDEN, ALABAMA.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 139. DESIGNATING APRIL 4, 1985, AS "PLEASANT GROVE HIGH SCHOOL CHEERLEADERS DAY" IN ALABAMA.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 161. COMMENDING MRS. MAMIE WHITE OF BAY MINETTE, ALABAMA, "CITIZEN OF THE YEAR."

Also:

H. J. R. 162. HONORING COLONEL J. LLOYD BROWN FOR HIS DEDICATION AND CHRISTIAN LEADERSHIP.

McDOWELL LEE,
Secretary.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Mitchell (With Notice and Proof):

H. 841. Relating to Pickens County; to authorize the county board of education to provide for the substitution of other books or texts for the textbooks on the list of state-approved or state-adopted textbooks for use in the schools of the county.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 841, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. White (L) (With Notice and Proof):

H. 842. Relating to Tallapoosa County; providing an expense allowance for members of the county board of education; prescribing the manner of payment; and providing for an effective date.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 842, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. White (L) (With Notice and Proof):

H. 843. Relating to Tallapoosa County; to create a license-issuing division within the tax collector's office for the issuance of certain licenses;

to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; the issuance of licenses by the tax collector's office; and to transfer certain duties now performed by the tax assessor and probate judge to said office.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 843, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Pratt (With Notice and Proof):

H. 844. Relating to Jefferson County; providing further for the procedure of refunding of ad valorem taxes by the tax assessor.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 844, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Pratt (With Notice and Proof):

H. 845. Relating to Jefferson County; authorizing the tax assessor to correct errors in the computation of ad valorem taxes and providing further for refunds of said taxes.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 845, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Biddle:

H. 846. To amend Section 15-13-62 of the Code of Alabama 1975, relating to exoneration of bail by surrender of the defendant, so as to provide further for procedures for arresting such defendants.

Committee on Judiciary.

By Reps. Campbell, Johnson (Roy), Drake, Boles, Tanner, Coburn, Dutton, Bugg, Poole, Albright, Pratt, Moore, Buskey (James), Holmes, Buskey (John), Bryant, Black, Clark (W), Grayson, Rogers, Davis, Melton, Thomas, Perdue, Spratt, Reed, Kennedy, Newton, McDowell, Marietta, Parker, Onderdonk, Blakeney, Clark (D), Nicholson, Trammell, Martin, Mathis, Lauderdale, Crow, Bowling, Rains, Adams, Butler, Carter, Britnell, Goodwin, Fuller, Bachus, Lindsey, Burke, Escott, Brakefield, Junkins, Newman, Ford, Box, Hettinger, Brooks, Beasley, Biddle, Coleman, Gray, Laird, Payne, White (L), Venable, and Mikell:

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H. 847. To amend Section 8-8-10, Code of Alabama 1975, which provides for interest and costs on money judgments, so as to provide further for the rate of interest.

Committee on Judiciary.

By Rep. Brooks (With Notice and Proof):

H. 848. To amend Section XII of Act No. 370, H. 642, of the 1945 Regular Session of the Legislature (1945 Local Acts, p. 175) which authorized the Madison County governing body to impose a certain excise tax on gasoline and other liquid motor fuels so as to provide further for the disposition of the proceeds from such taxes.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 848, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Bugg and Davis:

H. 849. To establish procedures for the identification of retarded persons who come in contact with the Criminal Justice System; and protects the interests such persons have prior to trial with regard to preliminary criminal proceedings, and detention in facilities.

Committee on Judiciary.

By Rep. Marietta (With Notice and Proof):

H. 850. Relating to Mobile County; to allow the Mobile County Commission, at its discretion, to grant an expense allowance to the District Court Clerk of the Thirteenth Judicial Circuit.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 850, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Starkey, Goodwin, and Clark (D) (With Notice and Proof):

H. 851. Relating to Lauderdale County; to provide for an advisory referendum election as to the question of whether the qualified electors of Lauderdale County favor the Lauderdale County Commission having a full-time commission chairman; and to provide for notice of the election.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 851, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Coleman and Rains (With Notice and Proof):

H. 852. Relating to Marshall County; to amend Section 23, of Act No. 633, H. 1248, 1976 Regular Session of the Alabama Legislature (1976 Acts,

p. 870), entitled, "An Act Relating to Marshall County; abolishing the Commission on Government and Finance of Marshall County and creating in lieu thereof the Marshall County Commission; providing for the election of the members of the commission, prescribing their qualifications, terms, and compensation; providing for the organization, powers, duties, jurisdiction and function of the commission and the authority and duty of its members," so as to provide further for the powers, duties, jurisdiction and function of the Marshall County Commission.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 852, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Coleman and Rains (With Notice and Proof):

H. 853. Relating to Marshall County; creating the Marshall County Commission Reapportionment Study Committee.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 853, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Nicholson and Brakefield:

H. 854. To create and establish the Alabama Mining Academy to be located at Walker State Technical College in Walker County, Alabama, and to provide assistance to the State of Alabama mining industry through education, training and research.

Committee on Judiciary.

By Reps. Zoghby and Turner (With Notice and Proof):

H. 855. Relating to Mobile County; establishing a certain matched grant program in the county for the purpose of aiding public agencies that provide services to children and senior citizens; providing for the financing of such program with interest received from investments of county revenues by the tax collector's office; providing for a certain administrative board for such program and authorizing such board to make rules and regulations for such program.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 855, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Zoghby:

H. 856. To create a Bill of Rights for victims of crime in Alabama by providing for and establishing the position of Victims' Advocate and the Office of Victims' Services in each judicial circuit; providing for compensation

of victims and witnesses by their employers for time lost for court appearances; providing for a child's testimony by deposition or close circuit television; providing for the State of Alabama right of appeal; providing when a defendant can be removed from a criminal proceeding; providing for prosecution according to the indictment and ordinary criminal procedures; providing that certain rights be restored to and afforded to victims of crime and making an appropriation.

WHEREAS, in recent years the rights of persons accused of crime have been enlarged upon by our courts and legislative bodies; and

WHEREAS, because of subsequent hardships caused by expanded leniency toward the criminal and the resultant loss of rights by victims; and

WHEREAS, because of hardships caused by delay, overcrowded dockets, and repeated court appearances, victims and witnesses to crime often become victimized by the system itself, losing time from work, family, home, and experiencing confusion, frustration, and despair as to the status or outcome of their cases; and

WHEREAS, it is vital to the preservation of our criminal justice system that certain rights be restored to and afforded to victims of crime, and that sufficient resources be allocated to secure the enjoyment of those rights; now therefore,

Committee on Ways and Means.

By Rep. Box (With Notice and Proof):

H. 857. Relating to Mobile County; to exempt from all county, local, or other ad valorem taxes all property owned and used by The Woman's Club of Saraland, Inc., a nonprofit corporation, retroactive to October 1, 1983.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 857, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Sasser and Grouby:

H. 858. To provide for victim impact investigations, victim impact reports and voluntary victim impact statements in criminal cases; to provide for their scope, content, and confidentiality; to provide for their use at sentencing and thereafter; to provide defendants and others access to victim impact statements and victim impact reports; to provide victims access to presentence reports under certain terms and conditions; to provide for voluntary victim participation in victim impact investigations and victim impact reports; to provide for voluntary victim allocation at sentencing; to provide for a short title, definitions of terms, and public policy.

Committee on Judiciary.

By Rep. Albright (With Notice and Proof):

H. 859. Relating to Madison County, authorizing municipalities to fund group insurance plans for retired municipal employees.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 859, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Crow, Clark (J), Blake, Adams, and Junkins:

H. 860. To amend Section 6-8-40 of the Code of Alabama 1975, relating to subscribing, taking and filing of newspapers by judges of probate, so as to provide further for such filing.

Committee on State Administration.

By Rep. Flowers (With Notice and Proof):

H. 861. To propose an amendment to the Constitution of Alabama of 1901, so as to authorize Pike County to establish local ad valorem tax rates on certain motor vehicles whether for governing bodies or entities within the county.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 861, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Zoghby (With Notice and Proof):

H. 862. Relating to Mobile County; to amend further Section 1 of Act No. 111, H. 419, Regular Session 1955 (Acts 1955, p. 356), which relates to the salary of the tax collector, so as to provide further for such salary.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 862, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Kvalheim (With Notice and Proof):

H. 863. To further amend Section 2 of Act No. 181, H. 117, Regular Session 1957 (Acts 1957, p. 233), as last amended by Act No. 84-827, H. 65, First Special Session, 1984, relating to the Mobile County governing body and the election of county commissioners, so as to require the chairmanship shall rotate among the commissioners.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 863, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

REGULAR SESSION
15th Day

751

By Rep. Kvalheim (With Notice and Proof):

H. 864. Relating to Mobile County; altering, rearranging and extending the boundary lines and corporate limits of the City of Mobile.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 864, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Holley, Smith, Starr, and Moore:

H. 865. To provide for a supplemental appropriation to the Department of Agriculture and Industries from the agricultural fund for the period ending September 30, 1985, in the amount of \$400,000.

Committee on Agriculture and Forestry.

By Reps. Davis, Rogers, Escott, Perdue, Beers, McNair, Gray, Boles, Newton, Spratt, and White (G):

H. 866. To amend Section 12-19-92, Code of Alabama 1975, which provides for fees of constables, so as to provide further for the fees of the constables in Jefferson County.

Committee on State Administration.

By Rep. Holley:

H. 867. To amend Sections 34-22-1, 34-22-2; 34-22-6; 34-22-20; 34-22-23; 34-22-42, Code of Alabama, 1975, all of which relate to the regulation of the practice of optometry, so as to further define the practice of optometry; to extend the objects and purposes of the chapter; to further enumerate certain unlawful acts; to provide further for examination and qualification of applicants; to provide further grounds for revocation and suspension; to provide for additional powers and duties of board; and to provide further for the practice of optometry.

Committee on State Administration.

By Reps. Kvalheim, Gaston, Marietta, Bachus, Box, and Harper:

H. 868. To amend Sections 10-2A-192, 10-2A-193, and 10-2A-194 of the Code of Alabama 1975, relating to business organizations so as to provide further for involuntary dissolution of corporations, publication of notice and to provide for venue and service of process.

Committee on Judiciary.

By Reps. Kvalheim, Clark (J), Harper, Flowers, and Gaston:

H. 869. To provide in any action for personal injuries that the plaintiff shall be entitled to recover non-economic losses to compensate for pain, suffering, and inconvenience, physical impairment, disfigurement and other non-pecuniary damages and that the amount of such damages shall not exceed two-hundred fifty-thousand dollars (\$250,000.00).

Committee on Judiciary.

By Reps. Kvalheim, Clark (J), Harper, Flowers, and Gaston:

H. 870. To provide that in any action for injury or damages arising in tort and based on negligence the Circuit Court shall at the request of either party enter a judgment ordering that money damages be paid in whole or in part by periodic payments rather than by lump sum if the award equals or exceeds fifty-thousand dollars (\$50,000.00) in future damages and to require that a judgment debtor who is not adequately insured post security adequate the assure the full payment of such damages and to provide that the judgment shall specify the recipient or recipients of the payments, the dollar amounts of the payments, the interval between payments, and the number of payments for the period of time over which payments shall be made and to provide that a judgment debtor exhibiting a continuing pattern of failure to make payments shall be found in contempt of court and shall be ordered to pay all damages caused by failure to make periodic payments, including court costs and attorneys fees and to provide that if the judgment creditor dies prior to the termination of the period of years specified in the judgment that the liability of the judgment debtor shall cease except that damages awarded for loss of future earnings shall not be terminated but shall be paid to persons to whom the judgment creditor owed a duty of support and to provide that upon the petition of any party in interest the Court may modify the judgment to award and apportion unpaid future damages in accordance with this section and to state the legislative intent in providing for periodic payment of judgments;

Committee on Judiciary.

By Rep. Holley:

H. 871. To exempt from sales and use tax certain material used for satisfying certain political subdivision's contracts and to provide retroactive application.

Committee on Ways and Means.

By Reps. Flowers, Clark (J), Sasser, Preuit, Beasley, Kvalheim, Rice, Coleman, Grouby, Mikell, Hooper, Turnham, McMillan, Beers, Hammett, Johnson (RG), White (L), Laird, Richardson, Blake, Carothers, White (G), Cosby, and Harper:

H. 872. To provide that in an action for personal injury the defendant may introduce evidence of any amount payable as a benefit to the plaintiff as a result of the personal injury pursuant to the United States Social Security Act, any state or federal income disability or workers compensation act, any health insurance sickness or income disability insurance, accident insurance that provides health benefits or income disability coverage and any contract or agreement of any group, organization, partnership or corporation, to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services, and to provide that the plaintiff may introduce evidence of any amount which the plaintiff has paid or contributed to secure his right to such benefits and to provide that no source of collateral benefits introduced under this sub-section shall recover any amount against the plaintiff nor shall it be subrogated to the rights of the plaintiff against the defendant and to provide that all policies of insurance providing benefits described in this section shall be construed in accordance with this section after the effective date of this act.

Committee on Insurance.

**REGULAR SESSION
15th Day**

753

By Rep. Boles (With Notice and Proof):

H. 873. To further amend Section 11 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, which said Act established a pension system for officers and employees of Jefferson County, Alabama.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 873, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Boles (With Notice and Proof):

H. 874. To further amend Section 12 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) establishing a retirement system for employees and officers of Jefferson County, Alabama, as heretofore amended—

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 874, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Boles (With Notice and Proof):

H. 875. To further amend Section 10 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, which said Act established a pension system for officers and employees of Jefferson County, Alabama, as heretofore amended:

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 875, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Carter, Richardson, Burke, and Butler:

H. 876. To amend Sections 32-8-39 and 32-8-44 of the Code of Alabama relating to the Uniform Certificate of Title and Antitheft Act, so as to prohibit the continuation of legends from other states; to require that a bill of sale be issued on the transfer of a vehicle and that a sworn acknowledgement be made thereon that the property has not been repaired or rebuilt; and to provide for penalties.

Committee on State Administration.

By Rep. Biddle:

H. 877. Relating to the practice of veterinary medicine and surgery in Alabama; to provide for the issuance, suspension, revocation and renewal of licenses for persons admitted to or engaged in the practice of veterinary

medicine as a veterinarian or veterinary technician; to create the Alabama State Board of Veterinary Medicine to administer the act; to provide for its organization, officers, jurisdiction, powers and duties; to provide for certain inspections of facilities and the issuance of premise permits; to provide for hearings and appeals; to impose fees and charges and provide for the use of such; to prescribe penalties; and to repeal conflicting laws and to specifically repeal Sections 34-29-1 through 34-29-6, 34-29-20 through 34-29-23 and 34-29-40 through 34-29-46 of the Code of Alabama 1975.

Committee on Health.

By Rep. Cosby:

H. 878. To amend sections 27-40-1, 27-40-8, 27-40-9, 27-40-10 and 27-40-12, Code of Alabama 1975, relating to insurance premium finance companies, so as to provide further for the regulation of such companies; to provide additional rates and charges allowable by such companies; and to provide for disbursement of the amount financed and to prohibit certain activities used to induce the financing of such insurance contracts.

Committee on Insurance.

By Reps. Rogers and Spratt:

H. 879. To amend Sections 13A-12-1 and 13A-12-2 of the Code of Alabama 1975, which prohibit certain acts on Sunday, so as to provide further for such prohibitions.

Committee on Health.

RESOLUTION

The following resolution was introduced:

By Rep. Blake:

H. J. R. 197. CONGRATULATING MR. AND MRS. LOUIA LOMAX MOSELEY OF MOODY, SAINT CLAIR COUNTY, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Legislature of Alabama notes with pleasure the forthcoming Golden Wedding Anniversary, November 16, 1985, of Mr. and Mrs. Louia Lomax Moseley of Moody, Saint Clair County, Alabama; and

WHEREAS, married on November 16, 1935, in Birmingham, Alabama, Louia Lomax Moseley and his bride, the former Dorris May York, have since lived their lives as one, devoted each to the other, and have remained steadfastly faithful to their marriage vows, setting an enviable example for others; and

WHEREAS, Mr. and Mrs. Moseley are the parents of five married sons—Lomax W., Frank S., Marvin Y., C. Louia and Edward C; they also have ten fine grandchildren; and

WHEREAS, they both are active in Moody Baptist Church, where Mr. Moseley is a deacon and Sunday School teacher; Mr. Moseley also a member of the City Council; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends

in congratulating this exemplary couple, Mr. and Mrs. Louia Lomax Moseley of Moody, Alabama, and wish them many more happy years together.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mr. and Mrs. Moseley that they may know of our congratulations and of our warm best wishes on this momentous occasion.

On motion of Rep. Blake, the rules were suspended and the resolution, H. J. R.197, was adopted.

LEAVE OF ABSENCE

At the request of Rep. White (G), leave of absence was granted for Rep. Seibels, due to illness.

At the request of Rep. Holley, leave of absence was granted for Rep. Browder.

RESOLUTION

The following resolution was introduced:

By Rep. Boles:

H. J. R. 198. CALLING A JOINT SESSION FOR THE SCHOOL OF FINE ARTS PERFORMANCE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby called a joint session of the two Houses for the purpose of attending a performance given by the School of Fine Arts, Thursday, April 4, 1985, at 10:30 A.M.

On motion of Rep. Boles, the rules were suspended and the resolution, H. J. R. 198, was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of the uncontested local bills on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Venable, Budget Isolation Resolution, H. B. 555, was adopted.

Yeas 37; Nays 0.

Yeas:

Mr. Speaker, Black, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Buskey (James), Carter, Clark (D), Clark (W), Coleman, Crow, Fuller, Goodwin, Hammett, Hettinger, Holmes, Kennedy, Lauderdale, Mikell, Moore, Nicholson, Poole, Preuitt, Rains, Reed, Smith, Starkey, Thomas, Trammell, Turner, Venable, White (F) and White (L).

—37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 555. (With Amendment): Relating to Coosa County; to provide for a special recording fee on documents filed in the office of the judge of probate; and to prescribe the use thereof.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 555, on page 1, Section 2, line 34 after the word "deposited" by deleting the word "by" and inserting in lieu thereof the following:

into the county general fund.

Further amend H. B. 555, on page 2, by deleting lines 1 through 5 in their entirety.

And the amendment was adopted.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blakeney, Bowling, Britnell, Brooks, Bryant, Bugg, Buskey (James), Butler, Carter, Clark (D), Clark (W), Coleman, Crow, Fuller, Goodwin, Grouby, Hammett, Hettinger, Holmes, Johnson (RG), Kennedy, Lauderdale, McMillan, Mikell, Newton, Penry, Perdue, Poole, Preuitt, Rains, Reed, Richardson, Smith, Starkey, Starr, Thomas, Trammell, Turner, Venable, White (F) and White (L).

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 555, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blakeney, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Coleman, Goodwin, Grouby, Hammett, Hettinger, Holmes, Kennedy, Lauderdale, McMillan, Mikell, Moore, Newman, Newton, Nicholson, Penry, Perdue, Poole, Preuitt, Reed, Richardson, Smith, Starr, Thomas, Trammell, Turner, Venable and White (F).

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Moore, Budget Isolation Resolution, H. B. 687, was adopted.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blakeney, Box, Brooks, Bryant, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Coleman, Gaston, Goodwin, Grouby, Hettinger, Holmes, Kennedy, Lauderdale, McMillan, Marietta, Mikell, Moore, Newman, Parker, Penry, Poole, Preuitt, Reed, Richardson, Smith, Tanner, Thomas, Turner, Warren, White (F) and Zoghby.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 687. Relating to Shelby County; prohibiting the sale of the Shelby County Medical Center without prior referendum approval of such sale by the qualified electors of the county and providing for holding such referendum election.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Black, Blakeney, Box, Brooks, Bryant, Buskey (James), Buskey (John), Butler, Clark (D), Clark (W), Coleman, Gaston, Goodwin, Grouby, Hammett, Hettinger, Holmes, Hooper, Kennedy, Lauderdale, McMillan, Marietta, Mikell, Moore, Newman, Newton, Parker, Penry, Poole, Preuitt, Rains, Richardson, Smith, Tanner, Thomas, Turner, Venable, Warren and White (F).

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Moore, Budget Isolation Resolution, H. B. 694, was adopted.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Blakeney, Bowling, Box, Brooks, Bryant, Buskey (John), Butler, Carter, Clark (D), Clark (W), Coleman, Fuller, Gaston, Goodwin, Grouby, Hammett, Hettinger, Holmes, Junkins, Kennedy, Lauderdale, McMillan, Marietta, Mikell, Moore, Newman, Newton, Nicholson, Parker, Penry, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Smith, Starkey, Tanner, Thomas, Trammell, Turner, Venable and White (F).

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 694. Relating to Shelby County; to authorize the county commission to provide for hospital and medical insurance of retired county employees.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Reps. Adams, Beasley, Black, Blake, Blakeney, Box, Brooks, Bryant, Buskey (John), Butler, Carter, Clark (D), Clark (W), Coleman, Fuller, Gaston, Goodwin, Grouby, Hammett, Hettinger, Holmes, Junkins, Kennedy, Lauderdale, McMillan, Marietta, Mikell, Moore, Newman, Newton, Parker, Perdue, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Venable and White (F).

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Richardson, Budget Isolation Resolution, H. B. 695, was adopted.

Yeas 45; Nays 0.

Yeas:

Reps. Adams, Beasley, Black, Blake, Blakeney, Box, Brooks, Bryant, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Fuller, Gaston, Goodwin, Grouby, Hammett, Hettinger, Holmes, Junkins, Kennedy,

Lauderdale, McMillan, Marietta, Mikell, Moore, Newman, Newton, Parker, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Smith, Spratt, Starkey, Thomas, Trammell, Turner, Venable and White (F).

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 695. Relating to Jackson County; to relieve the tax assessor of certain obligations which said official incurred as a result of carrying out a directive of the county commission to grant excessive homestead exemptions to certain property owners in the county during the tax collection year of 1982.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0

Yeas:

Reps. Beasley, Black, Blakeney, Box, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Fuller, Gaston, Goodwin, Grouby, Hammett, Hettinger, Holmes, Junkins, Kennedy, Lauderdale, McMillan, Marietta, Mikell, Moore, Newman, Newton, Nicholson, Parker, Perdue, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Venable and White (F).

—50

BUDGET ISOLATION RESOLUTION

On motion of Rep. Rains, Budget Isolation Resolution, H. B. 706, was adopted.

Yeas 45; Nays 0.

Yeas:

Reps. Adams, Beasley, Black, Blake, Blakeney, Bowling, Box, Brooks, Bryant, Buskey (John), Butler, Carter, Clark (D), Clark (W), Coleman, Flowers, Gaston, Goodwin, Hammett, Harvey, Hettinger, Holmes, Hooper, Junkins, Kennedy, Lauderdale, McMillan, Marietta, Mikell, Moore, Newman, Newton, Parker, Perdue, Poole, Preuitt, Rains, Richardson, Smith, Starr, Thomas, Trammell, Turner, Venable and White (F).

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 706. To alter or rearrange the boundary lines of the City of Albertville, Marshall County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Marshall County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Reps. Beasley, Black, Blake, Blakeney, Box, Brooks, Buskey (John), Butler, Clark (D), Clark (W), Coleman, Flowers, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Junkins, Kennedy, Lauderdale, McMillan, Marietta, Mikell, Moore, Newman, Newton, Parker, Perdue, Poole, Preuitt, Rains, Reed, Richardson, Smith, Starkey, Starr, Thomas, Turner, Venable and White (F).

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Blakeney, Budget Isolation Resolution, H. B. 715, was adopted.

Yeas 44; Nays 0.

Yeas:

Reps. Beasley, Black, Blake, Blakeney, Box, Brooks, Bryant, Buskey (James), Buskey (John), Butler, Clark (D), Clark (J), Clark (W), Coleman, Flowers, Gaston, Goodwin, Grouby, Hammett, Harper, Hettinger, Holmes, Hooper, Junkins, Kennedy, Lauderdale, McMillan, Marietta, Mikell, Newman, Parker, Perdue, Poole, Preuitt, Rains, Reed, Richardson, Smith, Starkey, Thomas, Trammell, Turner, Venable and White (F).

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 715. To levy a finance charge of ten cents per acre on forest lands located in Marengo County, Alabama, which is to be used for timber growing purposes and to provide protection against forest fires within Marengo County; and further prescribing the procedure for the collection and payment of such finance charges to the Alabama Forestry Commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 0.

Yeas:

Reps. Beasley, Black, Blake, Blakeney, Box, Brooks, Bryant, Buskey (John), Butler, Clark (D), Clark (W), Coleman, Faulk, Gaston, Goodwin, Grouby, Hammett, Harper, Hettinger, Holmes, Hooper, Kennedy, Lauderdale, McMillan, Marietta, Mikell, Moore, Newman, Nicholson, Parker, Poole, Preuitt, Reed, Richardson, Thomas, Trammell, Turner, Venable and White (F).

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Blake, Budget Isolation Resolution, H. B. 716, was adopted.

Yeas 45; Nays 0.

Yeas:

Reps. Beasley, Black, Blake, Blakeney, Boles, Box, Brooks, Bryant, Buskey (James), Buskey (John), Butler, Clark (D), Clark (J), Clark (W), Coleman, Faulk, Fuller, Gaston, Goodwin, Grouby, Harper, Hettinger, Holmes, Hooper, Junkins, Kennedy, Lauderdale, McMillan, Marietta, Mikell, Newman, Newton, Parker, Perdue, Poole, Preuitt, Reed, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Trammell and Turner.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the Bill:

H. 716. Relating to St. Clair County; creating a licence-issuing division within the probate judge's office for the issuance of certain licenses; providing for the selection of personnel for such license-issuing division; providing certain duties for the division; providing for an optional procedure for the renewal of motor vehicle licenses in the county by mail; authorizing certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; to be set by the county commission from time to time to pay the cost of mailing tags or decals; prescribing more convenient and efficient procedures for assessing and collecting of certain taxes; the issuing of licenses by the probate judge's office; transferring certain duties now performed by the tax assessor and tax collector to said probate office; and requiring the posting of a performance bond by the said judge.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yeas:

Reps. Beasley, Black, Blake, Blakeney, Boles, Box, Brooks, Bryant, Buskey (James), Buskey (John), Butler, Clark (D), Clark (J), Clark (W), Coleman, Faulk, Fuller, Gaston, Goodwin, Harper, Hettinger, Holmes, Hooper, Junkins, Kennedy, Lauderdale, McMillan, Marietta, Mikell, Moore, Newman, Newton, Onderdonk, Parker, Perdue, Poole, Preuitt, Reed, Richardson, Starkey, Starr, Trammell and Turner.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced:

By Rep. Ford:

H. J. R. 199. COMMENDING THE ETOWAH HIGH SCHOOL VARSITY CHEERLEADERS

WHEREAS, the Etowah High School Varsity Cheerleaders have been chosen the No. 1 team in the nation in the recent naming of the top 20 squads by the International Cheerleading Foundation; and

WHEREAS, under the leadership of Mrs. Diane Matthews, winning this competition involves two phases. The first is winning a regional cheerleading summer camp and where the Blue Devil Cheerleaders attended in Marietta, Georgia where they won the title of grand champions. To clinch the national title they then submitted a scrapbook depicting their community service activities. In the second phase, the squad was required to answer a questionnaire about cheerleading; and

WHEREAS, the national champions were announced during a pep rally by the principal, Mike Brown; and

WHEREAS, Kristi Alexander, Jerri Battles, Susie Bowen, Tammy Broyles, Karen Clark, Celina Cole, Christi Colegrove, Sabrina Crowder, Jenni Culp, Jennifer O'Dell, Tammy Gober, Amy Hubbard, Kristie Hutchens and Renee McFarland along with Diane Matthews, team sponsor, practiced many long hours to earn this honor; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend and congratulate our national champions; and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to their sponsor, Diane Matthews, and to the Etowah High School for appropriate school display.

On motion of Rep. Ford, the rules were suspended and the resolution, H. J. R. 199, was adopted.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Blake, Budget Isolation Resolution, H. B. 717, was adopted.

Yeas 38; Nays 0.

Yeas:

Reps. Beasley, Beers, Blake, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Clark (D), Clark (J), Clark (W), Coleman, Crow, Faulk, Gaston, Goodwin, Harper, Hettinger, Holmes, Hooper, Junkins, Kennedy, McMillan, Marietta, Mikell, Moore, Newman, Parker, Poole, Preuitt, Reed, Richardson, Smith, Starkey, Starr, Thomas and Turner.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 717. Relating to St. Clair County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Margaret in St. Clair County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 33; Nays 0.

Yeas:

Reps. Beasley, Black, Blake, Brooks, Bryant, Bugg, Butler, Clark (D), Clark (J), Faulk, Fuller, Goodwin, Grouby, Hettinger, Hooper, Junkins, Kennedy, Lauderdale, McMillan, Marietta, Mikell, Moore, Newman, Newton, Nicholson, Parker, Pratt, Preuitt, Reed, Richardson, Starkey, Starr and Turner.

—33

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Faulk, Budget Isolation Resolution, H. B. 721, was adopted.

Yeas 45; Nays 0.

Yeas:

Reps. Beasley, Black, Blake, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Clark (J), Clark (W), Faulk, Fuller, Gaston, Grouby, Hettinger, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Mathis, Mikell, Moore, Newman, Nicholson, Parker, Perdue, Poole, Pratt, Preuitt, Reed, Richardson, Smith, Starr, Thomas, Turner, Venable, White (L) and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 721. (With Amendment): Relating to Crenshaw County; to authorize the county commission to increase their expense allowance and provide for the source of said funds.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 721, Page 1, Section 1, beginning on Line 20 by striking the word "unanimous" and inserting in lieu thereof the following:

majority

And the amendment was adopted.

Yeas 41; Nays 0.

Yeas:

Reps. Beasley, Blake, Brakefield, Britnell, Brooks, Bugg, Buskey (James), Buskey (John), Butler, Clark (D), Clark (J), Clark (W), Faulk, Fuller, Gaston, Goodwin, Grouby, Harper, Hettinger, Holmes, Hooper, Johnson (RG), Junkins, Lauderdale, McMillan, Marietta, Mathis, Mikell, Moore, Newman, Nicholson, Parker, Perdue, Poole, Preuitt, Reed, Richardson, Starr, Venable, White (L) and Zoghby.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 721, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Reps. Beasley, Black, Blake, Brakefield, Britnell, Brooks, Bryant, Buskey (James), Buskey (John), Butler, Clark (D), Clark (W), Fuller, Gaston, Goodwin, Grouby, Harper, Hettinger, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Marietta, Mathis, Mikell, Moore, Newman, Onderdonk, Parker, Perdue, Poole, Preuitt, Reed, Richardson, Smith, Starr, Thomas, Turner, Venable and White (G).

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Cosby, Budget Isolation Resolution, H. B. 720, was adopted.

Yeas 44; Nays 0.

Yeas:

Reps. Bachus, Beasley, Black, Blake, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Clark (D), Clark (J), Cosby, Faulk, Gaston, Goodwin, Grouby, Harper, Hettinger, Hooper, Johnson (RG), Kennedy, Lauderdale, McMillan, Marietta, Mikell, Moore, Newman, Onderdonk, Parker, Perdue, Poole, Reed, Richardson, Smith, Thomas, Turner, Venable, Warren, White (G) and White (L).

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 720. (With Substitute): Relating to Dallas County; creating the Selma and Dallas County Economic Development Authority and providing for said authority's composition, terms, duties and powers.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

Relating to Dallas County; creating the Selma and Dallas County Economic Development Authority and providing for said authority's composition, terms, duties and powers.

Be It Enacted by the Legislature of Alabama:

Section 1. In Dallas County, there is hereby created the Selma and Dallas County Economic Development Authority. Said authority is created for the purpose and has the responsibility of aiding and assisting current industries and coordinating efforts of all municipal and county agencies of Dallas County, Alabama, as well as aiding organizations in the development of new industries which will provide job opportunities for the citizens of the city of Selma and Dallas County, Alabama.

Section 2. The authority shall be governed by a board of directors consisting of five members. Three of the five members shall be appointed by the Mayor of the City of Selma and the Probate Judge of Dallas County. One member shall be appointed by the Craig Field Airport and Industrial Authority and one member shall be appointed by the Selma and Dallas County Chamber of Commerce. There shall be racial minority representation on the board. Subsequently, vacancies on the board shall be appointed by the same appointing authority who made the initial appointment.

Within thirty day following the enactment date of this legislation, the appointing authorities shall submit in writing the name and address of the members of the board of directors to the Probate Judge and such appointments shall be filed and maintained in the Office of the Judge of Probate. At the organizational meeting of the members of the board of directors of said authority, members shall elect from among themselves a President, Vice-President, Secretary, and Treasurer. Each shall serve for a period of one year, or until a successor is elected to serve. Neither shall be bonded, except the treasurer, who shall obtain bond as an official. Terms of office for all members, shall be for three years.

Ex officio members of the board of directors shall consist of the Mayor of the City of Selma, the Probate Judge of Dallas County, all the members of the Selma City Council, all the members of the Dallas County Commission, all the members of the Dallas County Legislative Delegation, the President of the Selma and Dallas County Chamber of Commerce, the Chairman of the Selma and Dallas County Black Leadership Council and the Director of the Craig Field Airport and Industrial Authority. Any additional ex officio members will be governed by the by-laws. The ex officio members shall act in advisory capacity and shall not have the right to vote as members of the board of directors.

Section 3. The authority shall have the power to employ a qualified executive director who shall have the responsibility of carrying forth policies and directives of the board of directors. Said executive director shall serve at the pleasure of the board. The board of directors shall set his salary and shall provide necessary office space and clerical help.

The authority shall have the power to solicit and receive contributions from other government entities, corporations, partnerships, or individuals. For this purpose, the authority shall also be known as the Alabama Development Authority. The authority shall submit to audits by the Examiners of Public Accounts.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 42; Nays 0.

Yeas:

Reps. Beasley, Black, Blake, Box, Britnell, Brooks, Bryant, Buskey (James), Butler, Cosby, Faulk, Gaston, Grouby, Harper, Hettinger, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Marietta, Mathis, Mikell, Newman, Nicholson, Parker, Perdue, Poole, Preuitt, Reed, Richardson, Smith, Starkey, Starr, Thomas, Turner, Venable and White (G).

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 720, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Reps. Adams, Beasley, Black, Blake, Box, Brakefield, Britnell, Brooks, Bryant, Buskey (James), Butler, Clark (D), Cosby, Faulk, Gaston, Goodwin, Grayson, Grouby, Harper, Hettinger, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Mathis, Mikell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Preuitt, Reed, Richardson, Smith, Starr, Thomas, Turner, Venable, Warren, White (G), White (L) and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Johnson (RG), Budget Isolation Resolution, H. B. 729, was adopted.

Yeas 46; Nays 0.

Yeas:

Reps. Adams, Beasley, Black, Blake, Box, Britnell, Brooks, Bryant, Buskey (James), Buskey (John), Butler, Clark (D), Clark (W), Faulk, Fuller, Gaston, Goodwin, Grayson, Grouby, Harper, Hettinger, Holmes, Hooper,

Johnson (RG), Junkins, Kennedy, Marietta, Martin, Mathis, Mikell, Moore, Newman, Nicholson, Parker, Perdue, Poole, Preuitt, Reed, Richardson, Smith, Starr, Thomas, Turner, Venable, Warren and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 729. To authorize the Talladega County Board of Health to designate the services rendered by the Talladega County Health Department for which a reasonable fee may be charged. The Talladega County Board of Health is further required to set a maximum fee for each service. The Talladega County Health Department may charge and collect such fees. No citizen shall be deprived of any service because that person is unable to pay.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Reps. Albright, Beasley, Black, Blake, Britnell, Brooks, Bryant, Buskey (James), Buskey (John), Butler, Clark (D), Clark (W), Faulk, Ford, Fuller, Gaston, Goodwin, Grayson, Harper, Hettinger, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Marietta, Martin, Mathis, Mikell, Moore, Newman, Nicholson, Parker, Perdue, Poole, Preuitt, Reed, Richardson, Smith, Starr, Thomas, Turner, Venable and Warren.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harvey, Budget Isolation Resolution, H. B. 735, was adopted.

Yeas 38; Nays 0.

Yeas:

Reps. Albright, Beasley, Black, Blake, Britnell, Brooks, Bugg, Butler, Clark (D), Clark (W), Faulk, Ford, Gaston, Goodwin, Harper, Hettinger, Holmes, Hooper, Junkins, Kennedy, Lauderdale, McMillan, Marietta, Martin, Mathis, Mikell,

Newman, Newton, Nicholson, Parker, Poole, Preuitt, Reed, Richardson, Starr, Thomas, Turner and Warren.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 735. Relating to Blount County; altering the Blount County Commission district line between District Three and District Four, so as to place Oneonta in one beat or precinct.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 0.

Yeas:

Reps. Albright, Beasley, Black, Blake, Britnell, Brooks, Bryant, Bugg, Buskey (John), Butler, Carter, Clark (D), Clark (W), Cosby, Gaston, Goodwin, Grayson, Hammett, Harper, Hettinger, Holmes, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Mikell, Newman, Nicholson, Parker, Poole, Preuitt, Rains, Richardson, Starr, Turner, Venable and Warren.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. White (F), Budget Isolation Resolution, H. B. 738, was adopted.

Yeas 40; Nays 0.

Yeas:

Reps. Albright, Beasley, Black, Blake, Britnell, Brooks, Bryant, Bugg, Buskey (John), Butler, Carter, Clark (D), Clark (W), Ford, Gaston, Goodwin, Grayson, Grouby, Harper, Hettinger, Holmes, Hooper, Kennedy, Kvalheim, Lauderdale, Marietta, Mathis, Mikell, Newton, Parker, Perdue, Poole, Preuitt, Richardson, Starr, Turner, Venable, Warren, White (G) and Zoghby.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 738. To alter and rearrange the boundary lines of the City of Atmore, Escambia County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Escambia, County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Reps. Albright, Beasley, Black, Britnell, Brooks, Bryant, Bugg, Buskey (John), Butler, Carter, Clark (D), Clark (W), Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Martin, Mathis, Mikell, Newman, Nicholson, Parker, Perdue, Poole, Preuitt, Richardson, Starr, Tanner, Thomas, Turner, Venable, White (F) and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Richardson, Budget Isolation Resolution, H. B. 766, was adopted.

Yeas 46; Nays 0.

Yeas:

Reps. Albright, Beasley, Blake, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (John), Butler, Clark (D), Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Junkins, Kennedy, Lauderdale, Marietta, Mathis, Mikell, Newman, Nicholson, Parker, Poole, Preuitt, Richardson, Smith, Starr, Tanner, Thomas, Turner, Venable, Warren, White (L) and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 766. To provide that the governing body of Jackson County, Alabama, shall call an election in said county for the purpose of determining whether or not an additional excise tax on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of

selling, distributing, storing or withdrawing from storage for any purpose whatsoever, gasoline or other liquid motor fuel or devices or substitutes therefor in said county shall be imposed; to provide for the collection and payment of such tax and to provide the distribution and the use of the funds derived therefrom; to authorize the governing body of such county to make reasonable rules and regulations for the collection of such tax, and to provide the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the governing body of such county for the collection of such tax.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yeas:

Reps. Albright, Beasley, Black, Blake, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (John), Butler, Clark (D), Clark (J), Clark (W), Gaston, Goodwin, Grouby, Hammett, Harper, Hettinger, Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Martin, Mathis, Newman, Newton, Nicholson, Parker, Perdue, Poole, Preuitt, Richardson, Smith, Tanner, Thomas, Turner, Venable, Warren, White (G), White (L) and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Hammett:

H. R. 200. COMMENDING DOROTHY RANIER SELLARS OF OPP, ALABAMA, FOR EXTRAORDINARY ACHIEVEMENT.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Clark (W), Budget Isolation Resolution, H. B. 748, was adopted.

Yeas 40; Nays 0.

Yeas:

Reps. Adams, Albright, Beasley, Black, Blakeney, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (John), Butler, Clark (D), Clark (W), Escott, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Hettinger, Holmes, Kennedy, Lauderdale, Marietta, Moore, Newman, Parker, Poole, Preuitt, Smith, Starr, Tanner, Turner, Venable, Warren, White (L) and Zoghby.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 748. Relating to Mobile County; providing a certain additional expense allowance for the members of the county commission retroactive to the beginning of their current terms of office.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yeas:

Reps. Albright, Beasley, Blake, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Clark (D), Clark (W), Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Kennedy, Kvalheim, Lauderdale, Marietta, Moore, Newman, Newton, Parker, Poole, Preuitt, Rogers, Smith, Spratt, Tanner, Turner, Venable, Warren, White (L) and Zoghby.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Dutton, Budget Isolation Resolution, H. B. 582, was adopted.

Yeas 35; Nays 0.

Yeas:

Reps. Albright, Bachus, Black, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (John), Butler, Clark (W), Davis, Escott, Gaston, Grayson, Grouby, Hall, Harper, Hettinger, Kennedy, Lauderdale, Marietta, Mathis, Moore, Newman, Newton, Poole, Reed, Rogers, Smith, Spratt, Starr, Turner, Warren and White (L).

—35

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 582. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of North Courtland in Lawrence County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 37; Nays 0.

Yeas:

Reps. Adams, Albright, Beasley, Black, Blake, Britnell, Brooks, Bryant, Buskey (James), Buskey (John), Butler, Clark (W), Davis, Ford, Gaston, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Kennedy, Kvalheim, Lauderdale, Marietta, Mathis, Moore, Newman, Poole, Preuitt, Reed, Rogers, Smith, Starr, Turner, Warren and White (L).

—37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Carothers, Budget Isolation Resolution, H. B. 645, was adopted.

Yeas 40; Nays 0.

Yeas:

Reps. Adams, Albright, Beasley, Black, Blakeney, Brakefield, Britnell, Brooks, Bryant, Burke, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Cosby, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Johnson (RG), Lauderdale, Marietta, Mathis, Moore, Newman, Poole, Preuitt, Smith, Starr, Tanner, Thomas, Turner, White (L) and Zoghby.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 645. Relating to Houston County; providing an appropriation from the county general funds or any available funds in the county treasury for the purposes of clean-up and removal of debris from fire damage to certain private property for a specific period retroactively to October 1, 1979; and providing relief to the Houston County Commission for causing its road department to clean-up such debris in error.

WHEREAS, fire damage to private property can create a severe safety hazard and the county commission has certain responsibility to protect its citizens; now therefore,

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yeas:

Reps. Adams, Albright, Beasley, Blake, Blakeney, Brakefield, Britnell, Brooks, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Ford, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Kvalheim, Lauderdale, Marietta, Mathis, Moore, Newman, Poole, Preuitt, Smith, Spratt, Starr, Tanner, Turner, Warren, White (L) and Zoghby.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Beasley, Budget Isolation Resolution, H. B. 707, was adopted.

Yeas 38; Nays 0.

Yeas:

Reps. Albright, Beasley, Blake, Blakeney, Brakefield, Britnell, Brooks, Bryant, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Hettinger, Kennedy, Lauderdale, Mathis, Moore, Newman, Poole, Preuitt, Smith, Starr, Tanner, Turner, Venable, Warren, White (L) and Zoghby.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 707. (With Amendment): To alter or rearrange the boundary lines of the Town of Webb, Houston County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Houston County, Alabama.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 707, page 2, Section 1, at the beginning of line 23 by striking ~~11/4~~ and inserting in lieu thereof the following: 1/4

And the amendment was adopted.

Yeas 42; Nays 0.

Yeas:

Reps. Adams, Albright, Beasley, Black, Blakeney, Brakefield, Britnell, Brooks, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Cosby, Crow, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Hettinger, Kennedy, Lauderdale, Mathis, Moore, Newman, Poole, Preuitt, Smith, Starr, Tanner, Thomas, Turner, Venable, White (L) and Zoghby.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 707, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yeas:

Reps. Adams, Albright, Beasley, Black, Box, Brakefield, Britnell, Brooks, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Crow, Ford, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Kennedy, Kvalheim, Laird, Lauderdale, Mathis, Moore, Poole, Preuitt, Smith, Starr, Tanner, Thomas, Turner, Venable, White (L) and Zoghby.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harvey, Budget Isolation Resolution, H. B. 734, was adopted.

Yeas 42; Nays 0.

Yeas:

Reps. Adams, Albright, Beasley, Black, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (John), Butler, Carothers, Carter, Cosby, Crow, Davis, Ford, Grouby, Hall, Hammett, Harper, Hettinger, Junkins, Kennedy, Lauderdale, Mathis, Moore, Newman, Newton, Nicholson, Poole, Preuitt, Rogers, Smith, Starr, Tanner, Turner, Venable, White (L) and Zoghby.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 734. Relating to Blount County; authorizing branch banking.

Was taken up.

SUBSTITUTE OFFERED

Rep. Harvey offered the following substitute to the bill, H. 734:

A BILL TO BE ENTITLED AN ACT

Relating to Blount County; authorizing branch banking.

Be It Enacted by the Legislature of Alabama:

Section 1. After the effective date of this act any bank which is authorized by law to do a general banking business in Blount County may, with the written consent of the State Department of Banks, open, establish, and operate branch banks, branch offices or places for doing a banking business anywhere within the county, any other provision of law to the contrary notwithstanding.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 43; Nays 0.

Yeas:

Reps. Albright, Beasley, Beers, Black, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (John), Butler, Carothers, Carter, Clark (D), Crow, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Hettinger, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Marietta, Mathis, Moore, Poole, Preuitt, Smith, Starkey, Starr, Tanner, Turner, Venable, White (G), White (L) and Zoghby.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 734, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 0.

Yeas:

Reps. Albright, Bachus, Beasley, Black, Brakefield, Britnell, Brooks, Bryant, Burke, Buskey (John), Butler, Carothers, Carter, Clark (D), Crow, Ford, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Hettinger, Kennedy, Kvalheim, Lauderdale, Marietta, Mathis, Moore, Poole, Preuitt, Smith, Starr, Tanner, Thomas, Turner, Venable, White (L) and Zoghby.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Mathis, Budget Isolation Resolution, H. B. 711, was adopted.

Yeas 35; Nays 0.

Yeas:

Reps. Albright, Beasley, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (John), Butler, Carter, Clark (D), Coleman, Davis, Ford, Gaston, Goodwin, Hall, Harper, Hettinger, Kennedy, Lauderdale, Mathis, Moore, Poole, Preuitt, Smith, Tanner, Thomas, Turner, Venable, White (L) and Zoghby.

—35

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 711. Relating to Geneva County; authorizing the Geneva County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefor; providing for an advisory referendum on the issue of adding such additional county tax; and prescribing misdemeanor penalties against those who violate the provisions of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yeas:

Reps. Albright, Beasley, Box, Brakefield, Britnell, Brooks, Bugg, Burke, Buskey (John), Butler, Carter, Clark (D), Coleman, Ford, Gaston, Goodwin,

Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Marietta, Mathis, Moore, Newton, Perdue, Poole, Preuitt, Reed, Rogers, Smith, Tanner, Thomas, Turner, Venable, White (L) and Zoghby.

—42

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Nicholson and Brakefield:

H. R. 201. CONGRATULATING MR. AND MRS. JOHN WATSON ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Mathis, Budget Isolation Resolution, H. B. 756, was adopted.

Yeas 37; Nays 0.

Yeas:

Reps. Albright, Beasley, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (John), Butler, Carter, Clark (D), Coleman, Cosby, Gaston, Goodwin, Hall, Hammett, Harper, Harvey, Hettinger, Junkins, Kennedy, Kvalheim, Lauderdale, Mathis, Moore, Nicholson, Perdue, Preuitt, Richardson, Tanner, Turner, Venable, White (L) and Zoghby.

—37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 756. Relating to the Geneva County Superintendent of Education; establishing an index range for any expense allowance granted to such superintendent; authorizing the Geneva County Board of Education to set such salary; and providing such allowance shall be made from the county treasury.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Reps. Albright, Beasley, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Coleman, Cosby, Ford, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Harvey,

Hettinger, Junkins, Kvalheim, Laird, Lauderdale, Marietta, Mathis, Mikell, Moore, Nicholson, Parker, Perdue, Poole, Preuitt, Richardson, Tanner, Turner, Venable, Warren and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Mikell, Budget Isolation Resolution, H. B. 806, was adopted.

Yeas 42; Nays 0.

Yeas:

Reps. Albright, Beasley, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Burke, Buskey (John), Butler, Carter, Clark (D), Coleman, Ford, Fuller, Gaston, Goodwin, Grouby, Hall, Hammett, Harvey, Hettinger, Junkins, Kennedy, Lauderdale, Mathis, Mikell, Moore, Newman, Nicholson, Parker, Perdue, Poole, Preuitt, Reed, Smith, Starr, Tanner, Turner, Venable and Zoghby.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 806. Relating to Autauga County; to alter, re-arrange and extend the boundary lines and corporate limits of the City of Prattville in Autauga County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 0.

Yeas:

Reps. Albright, Beasley, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Burke, Butler, Carter, Clark (D), Coleman, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Hettinger, Johnson (RG), Junkins, Kennedy, Lauderdale, Mathis, Mikell, Moore, Perdue, Poole, Preuitt, Reed, Smith, Starr, Tanner, Turner, Venable and Zoghby.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Mikell, Budget Isolation Resolution, H. B. 807, was adopted.

Yeas 37; Nays 0.

Yeas:

Reps. Albright, Beasley, Blakeney, Box, Britnell, Brooks, Bryant, Burke, Buskey (John), Butler, Carter, Clark (D), Cosby, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Hettinger, Junkins, Kennedy, Lauderdale, Mathis, Mikell, Moore, Parker, Perdue, Poole, Preuitt, Reed, Smith, Starr, Tanner, Turner, Venable and Zoghby.

—37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill;

H. 807. Relating to Elmore County; to amend Act 84-656, H. B. 973, 1984 Regular Session, pertaining to the election of county commissioners, so as to provide for said election by districts.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 37; Nays 0.

Yeas:

Reps. Albright, Beasley, Box, Britnell, Brooks, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Cosby, Ford, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Hettinger, Junkins, Kennedy, Lauderdale, Mathis, Mikell, Moore, Nicholson, Parker, Poole, Reed, Smith, Starr, Tanner, Turner, Venable and Zoghby.

—37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced:

By Rep. Harper:

H. J. R. 202. COMMENDING THE MOBILE COUNTY HIGH SCHOOL WINNERS OF THE MOBILE REGIONAL SCIENCE FAIR.

WHEREAS, small schools, traditionally, have played and continue to play a vital role in the quality education of Alabama's youth; and

WHEREAS, regrettably, many of our small schools are vanishing due to the trend toward consolidation, resulting in a loss to our students of close identification with their own communities; and

WHEREAS, further, students enrolled in the smaller schools throughout Alabama are as bright and scholastically successful as those in our state's larger schools, and small-school teachers and administrators are as dedicated, hardworking and qualified as their peers in other schools; and

WHEREAS, in particular example, Mobile County High School in Grand Bay, Alabama, is a small school whose participating students garnered 15 of some 36 first place categorical and special awards during the recent Mobile Regional Science Fair sponsored by the Alabama Academy of Sciences and the University of South Alabama; and

WHEREAS, Lisa Knight, who was named Best of the Senior Division, also won first place in the Zoology Category and five additional special awards; and

WHEREAS, Donnie Gregorious was the recipient of first place in the Physics Category and received the U. S. Army Citation; and

WHEREAS, Leslie Howard, who was first in the Earth Sciences Category, was the recipient as well of the special Sea Grant Award; and

WHEREAS, Terry Moore was honored as the winner of both the Dental Association and the Medical Society Awards; and

WHEREAS, Tina Walker received the U.S. Air Force Award and Diane Blackmon was another Mobile County High School recipient of the U. S. Army Citation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most specifically commend Mobile County High School, the aforementioned distinguished students and their Science teacher, Mrs. Linda Frano, as well as the small schools throughout Alabama for outstanding and consistent academic achievement.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to Mobile County High School for appropriate presentation and display.

On motion of Rep. Harper, the rules were suspended and the resolution, H. J. R. 202, was adopted.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. McMillan, Budget Isolation Resolution, H. B. 790, was adopted.

Yeas 39; Nays 0.

Yeas:

Reps. Albright, Beasley, Box, Britnell, Brooks, Bryant, Burke, Buskey (John), Butler, Carter, Clark (D), Coleman, Ford, Fuller, Goodwin, Grouby, Hall, Hammett, Harper, Hettinger, Johnson (RG), Kennedy, Lauderdale, McMillan,

Marietta, Moore, Nicholson, Parker, Penry, Perdue, Poole, Preuitt, Reed, Smith, Starkey, Tanner, Turner, Venable and Zoghby.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 790. Relating to Baldwin County; amending the title and Section 2 of Act No. 79-623, S. 479, 1979 Regular Session (Acts 1979, p. 1106), which act relates to the disposition of funds from the leasing of oil, gas and mineral rights owned by the county on rights-of-way within the county road system, so as to provide further for the expenditure of such funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yeas:

Reps. Albright, Beasley, Black, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Burke, Buskey (John), Butler, Carter, Clark (D), Coleman, Ford, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Johnson (RG), Junkins, Kennedy, Lauderdale, McMillan, Marietta, Moore, Nicholson, Parker, Penry, Perdue, Poole, Preuitt, Reed, Smith, Starkey, Tanner, Turner, Venable and Zoghby.

—43

BUDGET ISOLATION RESOLUTION

On motion of Rep. McMillan, Budget Isolation Resolution, H. B. 791, was adopted.

Yeas 33; Nays 0.

Yeas:

Reps. Albright, Beasley, Box, Britnell, Brooks, Bryant, Burke, Butler, Carter, Clark (D), Coleman, Goodwin, Grouby, Hall, Hammett, Harper, Hettinger, Johnson (RG), Kennedy, Lauderdale, McMillan, Moore, Nicholson, Parker, Penry, Poole, Reed, Smith, Starkey, Tanner, Turner, Venable and Zoghby.

—33

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 791. Relating to Baldwin County; to provide that the cost of conducting certain elections shall be paid by the county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yeas:

Reps. Albright, Beasley, Black, Box, Britnell, Brooks, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Cosby, Fuller, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Johnson (RG), Junkins, Kennedy, Lauderdale, McMillan, Moore, Nicholson, Parker, Penry, Perdue, Poole, Preuitt, Rogers, Smith, Starkey, Tanner, Turner, Venable and Zoghby.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 42. Relating to Washington County; abolishing the office of constable; and providing an effective date.

Also:

H. 43. Relating to Clarke County; abolishing the office of constable; and providing an effective date.

Also:

H. 107. Relating to Tallapoosa County; providing further for the meeting days and compensation of the members of the board of registrars; repealing Act No. 32, S. 26, Regular Session 1967 and Act No. 84-818, H. 41, First Special Session 1984; and providing for retroactive effect.

Also:

H. 109. Relating to Tallapoosa County; providing further for the procedure for selling and redeeming lands for taxes.

Also:

H. 315. Pertaining to Limestone County; for purposes of clarification to provide that all county commissioners of Limestone County shall devote their entire time to the performance of the duties of their offices.

Also:

H. 408. To alter or rearrange the boundary lines of the Town of Excel, Monroe County, Alabama, so as to include in the corporate limits of said

town all territory now within such corporate limits and also certain other territory contiguous thereto in Monroe County, Alabama.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED
BUDGET ISOLATION RESOLUTION

On motion of Rep. Dutton, Budget Isolation Resolution, H. B. 810, was adopted.

Yeas 28; Nays 0.

Yeas:

Reps. Albright, Beasley, Black, Britnell, Brooks, Clark (D), Coleman, Crow, Flowers, Ford, Gaston, Goodwin, Grayson, Hall, Harper, Hettinger, Junkins, Kennedy, Lauderdale, Mathis, Moore, Nicholson, Poole, Preuit, Starkey, Tanner, Turner and Warren.

—28

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 810. Relating to Lawrence County; providing for a board of trustees for the Jesse Owens Memorial Park in said county; providing for the terms of the members of such board and prescribing their duties and responsibilities.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 27; Nays 0.

Yeas:

Reps. Albright, Beasley, Box, Britnell, Brooks, Bryant, Buskey (John), Clark (J), Coleman, Crow, Ford, Gaston, Grayson, Hall, Harper, Hettinger, Junkins, Kennedy, Kvalheim, Lauderdale, Moore, Nicholson, Poole, Reed, Tanner, Turner and Zoghby.

—27

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Dutton, Budget Isolation Resolution, H. B. 811, was adopted.

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Yeas 28; Nays 0.

Yeas:

Reps. Albright, Beasley, Blakeney, Box, Britnell, Brooks, Buskey (John), Coleman, Crow, Escott, Flowers, Ford, Gaston, Grayson, Harper, Hettinger, Junkins, Kennedy, Lauderdale, McMillan, Mathis, Moore, Nicholson, Poole, Preuitt, Tanner, Turner and Zoghby.

—28

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 811. Relating to Lawrence County; allowing the Department of Conservation and Natural Resources to regulate the use of dogs and/or buck shot in shotguns in deer hunting outside of wildlife management hunting areas and repealing Act No. 80-349, H. 972, 1980 Regular Session.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 29; Nays 0.

Yeas:

Reps. Albright, Beasley, Black, Blakeney, Box, Britnell, Brooks, Bryant, Coleman, Crow, Flowers, Ford, Gaston, Grayson, Harper, Hettinger, Junkins, Kvalheim, Lauderdale, McMillan, Mathis, Moore, Nicholson, Poole, Preuitt, Starr, Tanner, Warren and Zoghby.

—29

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Dutton, Budget Isolation Resolution, H. B. 812, was adopted.

Yeas 28; Nays 0.

Yeas:

Reps. Albright, Beasley, Blake, Blakeney, Box, Britnell, Brooks, Buskey (John), Coleman, Crow, Ford, Gaston, Grayson, Harper, Hettinger, Junkins, Kennedy, Lauderdale, McMillan, Mathis, Moore, Nicholson, Poole, Smith, Starr, Tanner, Turner and Zoghby.

—28

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 812. Relating to Lawrence County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses; and to repeal Act No. 79-399, H. 618, 1979 Regular Session.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 34; Nays 0.

Yeas:

Reps. Adams, Albright, Beasley, Black, Blake, Box, Britnell, Brooks, Bryant, Buskey (John), Clark (J), Coleman, Ford, Gaston, Grayson, Harper, Hettinger, Kennedy, Kvalheim, Lauderdale, McMillan, Marietta, Mathis, Moore, Nicholson, Poole, Preuit, Richardson, Rogers, Sasser, Smith, Tanner, Turner and Zoghby.

—34

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Dutton, Budget Isolation Resolution, H. B. 813, was adopted.

Yeas 25; Nays 0.

Yeas:

Reps. Albright, Beasley, Black, Box, Britnell, Brooks, Ford, Gaston, Grayson, Harper, Hettinger, Hooper, Kennedy, Lauderdale, McMillan, Mathis, Mikell, Moore, Nicholson, Poole, Preuit, Reed, Tanner, Turner and Zoghby.

—25

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 813. Relating to Lawrence County; to create a motor vehicle license division within the tax assessor's office for the issuance of motor vehicle licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; such fees shall be set by the

county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; the issuance of motor vehicle licenses by the tax assessor's office and to transfer certain duties now performed by the probate judge and tax collector to said tax assessor.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 24; Nays 0.

Yeas:

Reps. Albright, Beasley, Box, Britnell, Brooks, Bryant, Buskey (John), Ford, Gaston, Grayson, Harper, Hettinger, Kvalheim, Lauderdale, McMillan, Mathis, Moore, Nicholson, Poole, Preuitt, Reed, Rice, Tanner and Zoghby.

—24

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Dutton, Budget Isolation Resolution, H. B. 814, was adopted.

Yeas 27; Nays 0.

Yeas:

Reps. Adams, Albright, Beasley, Box, Britnell, Brooks, Bryant, Crow, Ford, Gaston, Grayson, Hettinger, Hooper, Kvalheim, Lauderdale, McMillan, Mathis, Mikell, Moore, Nicholson, Poole, Reed, Rice, Sasser, Smith, Tanner and Zoghby.

—27

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 814. Relating to Lawrence County; providing for a supplemental expense allowance for the court reporter of the Thirty-sixth Judicial Circuit; and providing such expense allowance shall be paid from the county treasury.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 27; Nays 0.

Yeas:

Reps. Adams, Albright, Beasley, Black, Box, Britnell, Brooks, Crow, Ford, Gaston, Grayson, Hettinger, Hooper, Kvalheim, Lauderdale, McMillan,

Marietta, Mathis, Moore, Nicholson, Poole, Reed, Rice, Smith, Starkey, Tanner and Zoghby.

—27

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Escott, Budget Isolation Resolution, H. B. 479, was adopted.

Yeas 24; Nays 4.

Yeas:

Reps. Albright, Blakeney, Box, Britnell, Brooks, Bryant, Buskey (James), Buskey (John), Clark (W), Davis, Gray, Grayson, Lauderdale, McNair, Mathis, Newton, Nicholson, Perdue, Poole, Preuitt, Reed, Rogers, Spratt and Zoghby.

—24

Nays: Reps. Beers, McDowell, Payne and White (G).

—4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 479. TEMPORARILY POSTPONED

On motion of Rep. Payne, the bill, H. 479, was temporarily postponed.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Gray, Budget Isolation Resolution, S. B. 47, was adopted.

Yeas 20; Nays 0.

Yeas:

Reps. Albright, Beasley, Box, Britnell, Brooks, Bryant, Buskey (James), Buskey (John), Clark (D), Clark (W), Cosby, Grayson, Lauderdale, Nicholson, Payne, Perdue, Poole, Rogers, Thomas and Zoghby.

—20

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 47. (With Substitute): To amend Article VII of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124), relating to the Board of Managers of the City of Birmingham Retirement and Relief System so as to provide that participant's loans shall be repaid in a period of forty-eight (48) months or less from the date of such loan and to provide that interest be charged on such loans in such amount as may be determined in the discretion of the Board, but not less than seven percent (7%) per annum.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 2, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Jefferson County; to amend Act No. 929, 1951 Regular Session (Acts 1951, p. 1579), as amended, which provides a retirement system for the City of Birmingham, so as to further provide for the repayment of and interest on participant loans.

Be It Enacted by the Legislature of Alabama:

Section 1. In Jefferson County, Article VII of Act No. 929, 1951 Regular Session (Acts 1951, p. 1579), as amended, is hereby further amended to read as follows:

"ARTICLE VII
"PARTICIPANT LOANS

"Section 1. Loans to Participants.

"The Board shall have the right to lend to any employee member from the fund such an amount of money as will not cause the aggregate of indebtedness of the employee member to the fund immediately after such loan to exceed fifty percent (50%) of the amount of contributions returnable to him, or those claiming under him, were he to become separated from the service immediately after such loan. Interest on such loan shall be charged at the rate as determined by the Board but not more than seven percent (7%) per annum. Provided, however, that if an employee member is a fireman or policeman belonging to a Supplemental Pension System established by Act No. 556 of the 1959 Session of the Legislature of Alabama, approved November 19, 1959 (Ala. Acts 1959, p. 1376), the Board shall have the right to lend such employee member from the fund such an amount of money as will not cause the aggregate of indebtedness of such employee member to the fund immediately after such loan to exceed fifty percent (50%) of the aggregate amount of contributions returnable to him or those claiming under him by provision of this Act and provision of said Act No. 556; were he to become separated from the service immediately after such loan.

"Section 2. Repayment of Loan.

"Any loan made to a participant from the fund pursuant to Section 1 of this Article VII shall be repayable in either monthly, quarterly, semi-annual or annual installments over a period not to exceed forty-eight (48)

months from the date of issuance of such loan as the Board in its discretion may require and at an interest rate as determined by the Board but not more than seven percent per annum.

"Section 3. Life Insurance.

"Should a participant obtaining a loan hereunder request the Board to secure a policy of insurance on his life providing for the insurance company to repay the unpaid balance of said loan in the event of his death, the Board shall secure and make available such insurance, if obtainable, at the participant's expense. In no event shall the amount of life insurance thus obtainable exceed the unpaid balance of the loan attributable to the participant applying therefor."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 27; Nays 0.

Yeas:

Reps. Albright, Bachus, Beers, Box, Britnell, Brooks, Bryant, Buskey (John), Coleman, Cosby, Escott, Ford, Gray, Grayson, Harper, Kennedy, Lauderdale, McNair, Mikell, Nicholson, Parker, Payne, Perdue, Poole, Turner, White (G) and Zoghby.

—27

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 47 as thus amended, was read a third time at length and passed.

Yeas 30; Nays 0.

Yeas:

Reps. Albright, Beers, Boles, Box, Britnell, Brooks, Bryant, Buskey (James), Buskey (John), Clark (W), Coleman, Davis, Escott, Faulk, Gray, Grayson, Kennedy, Lauderdale, Mikell, Newton, Nicholson, Payne, Poole, Preuit, Rogers, Smith, Thomas, Turner, Turnham and Zoghby.

—30

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Perdue, Budget Isolation Resolution, H. B. 690, was adopted.

Yeas 34; Nays 0.

Yeas:

Reps. Albright, Bachus, Beasley, Beers, Black, Boles, Box, Britnell, Brooks, Bryant, Buskey (James), Buskey (John), Clark (W), Davis, Escott, Faulk, Gray, Grayson, Hooper, Kennedy, Lauderdale, McMillan, McNair, Newton, Nicholson, Payne, Penry, Perdue, Poole, Preuitt, Rogers, Starkey, White (G) and Zoghby.

—34

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 690. To further amend Sections 3.01, 3.03, 3.12 and 4.01 of Act No. 452 of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, p. 1004), as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent federal census, so as to provide that both the mayor and council shall take office on the fourth Tuesday in November of the year of their election, and to further provide that the first meeting of each newly elected council shall be held on the fourth Tuesday in November of the year of its election.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 33; Nays 0.

Yeas:

Reps. Albright, Bachus, Beers, Black, Boles, Box, Brooks, Bryant, Buskey (James), Buskey (John), Clark (W), Davis, Escott, Gray, Grayson, Harper, Kennedy, Lauderdale, McMillan, McNair, Mathis, Newton, Nicholson, Payne, Penry, Perdue, Poole, Rogers, Seibels, Thomas, Turner, White (G) and Zoghby.

—33

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Perdue, Budget Isolation Resolution, H. B. 691, was adopted.

Yeas 31; Nays 0.

Yeas:

Reps. Albright, Bachus, Beasley, Beers, Boles, Box, Britnell, Brooks, Bryant, Buskey (James), Buskey (John), Clark (W), Davis, Gaston, Gray, Grayson,

Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Newton, Nicholson, Payne, Perdue, Poole, Rogers, White (G), White (L) and Zoghby.

—31

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 691. To amend Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended by Act No. 1272, 1973 Regular Session (Acts 1973, p. 2124), and as previously and subsequently amended, which created a retirement system for officers and employees in cities of two hundred thousand or more inhabitants according to the latest federal decennial census, so as to provide further for the payments of benefits during periods of reemployment.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 33; Nays 1.

Yeas:

Reps. Adams, Albright, Bachus, Beers, Boles, Box, Britnell, Brooks, Bryant, Buskey (James), Buskey (John), Cosby, Davis, Gray, Grayson, Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, McNair, Mathis, Newton, Nicholson, Penry, Perdue, Poole, Rogers, Thomas, Turner, White (G), White (L) and Zoghby.

—33

Nay: Rep. Payne.

—1

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 73. To exempt all persons employed in public, private, and church schools from liability for certain communications to the parents of a minor child, law enforcement officers or health care providers concerning the suspected use, possession, sale or furnishing of any controlled substance by any minor child.

Also:

S. 117. To authorize the Board of Managers of the City of Birmingham Retirement and Relief System to consider the application of Catherine E. Robertson for a pension based upon extraordinary disability and to award such pension if, in the judgment of the board of managers, such pension is required; and to provide for the conditions and limitations applying to such pension.

Also:

S. 262. Relating to Mobile County; prescribing procedure for filling certain vacancies on the county commission.

Also:

S. 48. To authorize the Board of Managers of the City of Birmingham Retirement and Relief System to consider the application of Jessie James White for a pension based upon extraordinary disability and to award such pension if, in the judgment of the board of managers, such pension is required; and to provide for the conditions and limitations applying to such pension.

Also:

S. 265. Relating to the City of Prichard in Mobile County, Alabama; prescribing procedure for filling a vacancy in the office of mayor in such city.

Also:

S. 89. To provide that registration and polling places for state elections be accessible to handicapped and elderly individuals.

Also:

S. 272. Relating to Mobile County; to prohibit the distribution of campaign literature or other campaign materials within certain distance of polling places on any election day.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Newton to suspend the rules in order to take up out of order the Budget Isolation Resolution relating to H. B. 653, was lost, lacking a four-fifths vote.

Yeas 11; Nays 6.

Yeas:

Reps. Davis, Escott, McDowell, McMillan, McNair, Newton, Nicholson, Penry, Perdue, Rogers and Spratt.

—11

Nays: Reps. Bachus, Beers, Biddle, Gray, Payne and White (G).

—6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

The motion offered by Rep. McDowell to suspend the rules in order to bring up out of order the Budget Isolation Resolution relating to H. B. 431, was adopted.

BUDGET ISOLATION RESOLUTION

On motion of Rep. McDowell, Budget Isolation Resolution, H. B. 431, was adopted.

Yeas 25; Nays 7.

Yeas:

Reps. Blakeney, Box, Brooks, Bryant, Buskey (James), Buskey (John), Clark (W), Davis, Escott, Grayson, Holmes, Kennedy, McMillan, McNair, Newton, Nicholson, Parker, Penry, Perdue, Pratt, Rogers, Spratt, Thomas, Warren and Zoghby.

—25

Nays:

Reps. Bachus, Beasley, Beers, Biddle, Gray, Payne and White (G).

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 431. (With Substitute) (With Amendments): Relating to the abandonment of the commission form of government by any Class 5 municipality; providing for the adoption of a mayor-council form of government by ordinance with seven single-member districts and a mayor to be elected at large; providing for the establishment of boundaries of districts, providing for the election and term of office of the initial mayor and council; providing the election law to be applied in any such elections; providing for the salaries of the mayor and council; providing for reapportionment of council districts; providing for the preservation of other officers, their powers, duties, rights, privileges, and emoluments, for the preservation and transfer of all property owned by the municipality, all contracts in force, legal proceedings, and pension funds; and providing for the continuation of all subordinate agencies of the municipality and all ordinances.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Government, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

Relating to the abandonment of the commission form of government by Class 5 municipalities; providing for the call of a referendum on the

adoption of a mayor-council form of government with single-member districts; providing for the salaries of the mayor and council members; providing for the establishment of boundaries of districts; providing for the election and term of office of the initial mayor and council; providing the election laws to be applied; providing for reapportionment of council districts; providing for the preservation of other officers, their powers, duties, rights, privileges, and emoluments for the preservation and transfer of all property owned by the municipality, all contracts in force, legal proceedings, and pension funds; providing for the continuation of all subordinate agencies of the municipality and all ordinances; providing certain powers and responsibilities of the mayor and council members; and providing for the election of council officers.

Be It Enacted by the Legislature of Alabama:

Section 1. Within 30 days after receipt of notification that this act complies with the Federal Voting Rights Act of 1965, as amended, the governing body of any Class 5 municipality with a commission form of government organized pursuant to Article 3, Chapter 44, Title 11, Code of Alabama 1975, as amended, by a majority vote of the members thereof, may call for a referendum to be held at public expense within 90 days after such call at which the following question shall be submitted to the voters of any such municipality:

“Shall the City of _____ adopt a mayor-council form of government with the mayor elected at large and a seven-member council elected from single member districts?”

“Yes _____”

“No _____”

Section 2. If a majority of the voters voting in said election approve the proposition, then,

(a) Within 90 days thereafter the commission shall adopt an ordinance establishing the boundaries of the seven council districts herein provided for and shall take such steps as are necessary to comply with the Federal Voting Rights Act of 1965, as amended.

(b) The election of the mayor and all the members of the city council shall be held in 1986 and quadrennially thereafter as hereinafter provided.

(c) On the first Tuesday in October 1986, the newly elected mayor and council members shall assume office and the terms, powers, duties, responsibilities and emoluments of office of the commissioners shall end.

(d) The municipality shall thereafter and as provided in this act be governed by a mayor elected at large and a seven-member council elected from single-member districts, which shall have the same powers and duties as other mayor-council municipalities organized under Title 11, Code of Alabama 1975, as amended, and any other powers and duties not inconsistent with this act which may have been theretofore granted to such municipality.

Section 3. The mayor shall be elected by the whole of the electors of the municipality, shall be a qualified elector of the municipality, and shall have been a resident of the municipality for at least 90 days prior to his election and shall reside within the limits of the municipality during his term of office. Council members shall be elected by the electors of the district which they represent, shall be qualified electors of the municipality, shall have been residents of the district which they represent for at least 90 days

prior to their election, and shall reside in said district during their term of office.

Section 4. The referendum provided for herein shall be conducted, the vote canvassed, and the result declared in the same manner as provided by Chapter 46, Title 11, Code of Alabama 1975, as amended, in respect to other municipal elections conducted in any such municipality.

The election of the mayor and all the members of the city council will be held as required and provided for by the election laws of the state governing mayor-council elections on the second Tuesday in September of 1986, and if necessary, run-off elections to be held upon the same day of the week two weeks thereafter to be called and held in the same mode and manner and under the same rules and regulations. At the municipal election and run-off held in 1986, the time and manner of canvassing the results and the declaration of the election results shall be conducted as provided by Article 1, Chapter 14, Title 17, Code of Alabama 1975, for county elections.

The mayor and council members elected in 1986 pursuant to this act, shall serve until the first Tuesday in October 1990.

After the 1986 municipal election as provided herein, the election of the mayor and members of the council shall be quadrennially at a time to be set by the council. Such elections shall be conducted, the vote canvassed, and the result declared in the same manner as provided by Chapter 46, Title 11, Code of Alabama 1975, as amended, in respect to other municipal elections conducted in any such municipality.

Section 5. Whenever there shall be a change in population in any of the districts heretofore established, evidenced by a federal census of population, or by virtue of a change in the corporate limits which has increased or decreased the population of any district by as much as 25 percent, there shall be a reapportionment of the council districts in the manner hereinafter provided:

(1) The mayor shall, within six months after the publication of each federal census of population for the municipality or within six months after there shall have been such change in the corporate limits of the municipality, file with the council a report containing a recommended plan for reapportionment of the council district boundaries to comply with the following specifications:

a. Each district shall be formed of contiguous and to the extent reasonably possible, compact territory, and its boundary lines shall be the centerlines of streets or other well-defined boundaries;

b. Each district shall contain as nearly as is possible the same population, but not more than five percent more or less than the average.

(2) The council shall enact a redistricting ordinance within six months after receiving such report.

(3) Such redistricting ordinance shall not apply to any primary, regular or special election held within six months after its becoming effective. No incumbent member of the council shall be deprived of his unexpired term of office because of such redistricting.

Section 6. All powers of the municipality, including all powers vested in it by this act, by the laws, general and local, of the state, and the

determination of all matters of policy, shall be vested in the council. Without limitation of the foregoing, the council shall have power to:

(1) Establish administrative departments and distribute the work of divisions.

(2) Adopt the budget of the municipality.

(3) Authorize the issuance of bonds or warrants.

(4) Inquire into the conduct of any office, department or agency of the municipality and make investigations as to municipal affairs.

(5) Appoint the members of all boards, commissions or other bodies authorized hereunder or by law. This provision for appointment of members of boards, commissions or other bodies authorized hereunder or by law shall supersede any different provision for appointment of such members contained in any statute or ordinance in effect at the time of adoption of the municipality of the mayor-council form of government set up by this act, and shall include power to remove any member of any board, commission or body to the same extent as might be done by the governing body of the municipality at the time of adoption by the municipality of the mayor-council form of government set up by this act and to appoint another in his stead. And wherever in any statute in effect at the time of adoption by the municipality of said mayor-council form of government the chief executive officer of the municipality is designated to act in any capacity ex-officio, the mayor shall act.

(6) Succeed to all the powers, rights, and privileges conferred upon the former governing body of the municipality by statutes in effect at the time of adoption by the municipality of the mayor-council form of government and not in conflict with this act.

(7) Levy property and license taxes and local improvement assessments.

Section 7. Nothing contained in this act, except as specifically provided, shall affect or impair the rights or privileges of officers or employees of the municipality or of any office, department, board, or agency existing at the time when this act shall take effect, or any provision of law in force at the time when the mayor-council form of government shall be adopted and not inconsistent with the provisions of this act, in relation to the personnel, appointment, ranks, grades, tenure of office, promotion, removal, pension officers or employees of the municipality or any office, department, board, or agency thereof.

Section 8. All persons holding administrative office at the time the mayor-council form of government is adopted shall continue in office and in the performance of their duties until provisions shall have been made in accordance therewith for the performance of such duties or the discontinuance of such office. The powers conferred and the duties imposed upon any office, department, board, or agency of the municipality by the law of the state shall, if such office, department, board or agency, be abolished by this act, or under its authority, be thereafter exercised and discharged by the office, department, board, or agency designated by the council unless otherwise provided herein.

Section 9. Any person holding such an office or position in the civil service of such municipality when the mayor-council form of government shall be adopted shall continue to hold such office in the civil service under the mayor-council form of government and with the same status, rights, and

privileges and subject to the same conditions under such applicable civil service system.

Section 10. All records, property, and equipment whatsoever of any office, department, board, or agency or part thereof, all the powers and duties of which are assigned to any other office, department, board, or agency by this act, shall be transferred and delivered to the office, department, board, or agency to which such powers or duties are so assigned. If part of the powers and duties of any office, department, board, or agency, or part thereof, are by this act assigned to another office, department, board, or agency, all records, property, and equipment relating exclusively thereto shall be transferred and delivered to the office, department, board, or agency to which such powers and duties are so assigned.

Section 11. All contracts entered into by the municipality, or for its benefit, prior to the adoption by such municipality of the mayor-council form of government, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time of the adoption of the mayor-council form of government, shall be carried to completion in accordance with the provisions of such existing laws.

Section 12. No action or proceeding, civil or criminal, pending at the time of the adoption of the mayor-council form of government, brought by or against the municipality or any office, department, board, agency or officer or employee thereof shall be affected or abated by the adoption of the mayor-council form of government or by anything contained in this act.

Section 13. All laws and parts of laws relating to pension, retirement, and relief funds for any employees of the municipality, as the same may apply and be in effect with respect to the municipality at the time when it shall elect to be governed by the provisions of this act, shall continue in full force and effect, and without interruption or change as to any rights which have been acquired thereunder.

Section 14. All laws relating to the school board, library board, airport authority, planning and zoning commission, zoning board of adjustment, park or recreation board, and any municipally owned service enterprise, and any board, authority, agency etc., given such independent status, as the same may apply and be in effect at the time when the municipality shall elect to be governed by the provisions of this act, shall continue in full force and effect and without interruption or change as to the establishment of conduct of any such authority, board or agency until otherwise provided by law.

Notwithstanding any laws or contrary provisions hereinabove set out, the council, by majority vote of the membership, shall be empowered to make all future appointments to the housing authority of said municipality.

Section 15. The mayor shall be the chief executive officer, and shall have general supervision and control of all other officers, employees and affairs of the municipality, provided, however, the mayor shall not appoint or remove officers and employees of any municipally-owned public utility, including electric, gas and water systems, while such utility is operating under a board constituted by law or required by the terms of any indenture, mortgage or deed of trust providing for employment by other authority. The general law applicable to mayor-council municipalities notwithstanding, the mayor shall have the power to appoint all officers and employees of the municipality subject to the rules and regulations of any civil service or merit

system that may be applicable to said municipality. The mayor may remove any person appointed by him for good cause in accordance with the rules and regulations of any civil service or merit system that may be applicable to said municipality.

Section 16. Neither the council nor any of its members shall direct or request the appointment of any person to, or his removal from, office or position by the mayor or by any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the municipality. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the mayor and neither the council nor any member thereof shall give orders to any subordinates of the mayor, either publicly or privately.

Section 17. Upon the request of the mayor, the council shall establish not more than two positions of administrative assistants to the mayor and establish the salary for said positions. Once established, the mayor shall appoint a person or persons to hold said position or positions. These positions shall not be subject to rules and regulations of any civil service or merit system applicable to said municipality.

Section 18. The council, at least once a year, shall appoint a certified public accountant or the department of examiners of public accounts to conduct an examination in accordance with generally accepted auditing standards of all books and accounts of the municipality since the preceding examination and to make a full report thereof in writing, under oath, to be submitted to the council at its first meeting after the completion of such report, and the same shall be spread upon the minutes of the council. No auditing firm, other than the department of examiners of public accounts, shall be appointed two consecutive years. For his services said certified public accountant or the department of examiners of public accounts shall be paid such sum as may be agreed upon.

Section 19. The salary of the first mayor and council elected hereunder shall be \$50,000 per year for the mayor and \$8,000 per year for each council member. Such salary, and the manner in which it is to be paid, shall be established by ordinance of the council. The salary of all mayors and council members serving the municipality on or after the first Monday in October 1990, shall be established as provided by general law applicable to mayor-council municipalities. Notwithstanding any of the provisions of this act, the mayor and council members shall be reimbursed for expenses incurred in the performance of their duties.

Section 20. The council shall elect one of its members to serve as president of the council. The president shall preside at meetings of the council and shall have a vote on all matters coming before the council. The council shall also elect a president pro tem, who shall act as president of the council during the absence or disability of the president. The terms of office of the president and the president pro tem shall be until the end of their terms on the council.

Section 21. The mayor shall be given notice of all council meetings and shall have the privilege of attending the meetings of the council and of taking part in the deliberations thereof. The mayor shall not have the right to vote on any matter that is presented to the council.

Section 22. All ordinances and resolutions of the municipality in effect at the time of adoption of the mayor-council form of government herein set

up shall continue in effect unless and until changed or repealed by the council.

Section 23. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 24. All laws or parts of laws which conflict with this act are hereby repealed.

Section 25. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 29; Nays 3.

Yeas:

Reps. Black, Bowling, Britnell, Brooks, Bryant, Buskey (James), Buskey (John), Clark (W), Davis, Escott, Gray, Grayson, Holley, Holmes, Johnson (Roy), Kennedy, Kvalheim, Lauderdale, McMillan, McNair, Newton, Nicholson, Parker, Perdue, Poole, Rogers, Smith, Spratt and Thomas.

—29

Nays: Reps. Bachus, Beers and Payne.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Local Government, said committee amendment being as follows:

On page 10, line 7, delete the "\$50,000" and insert in lieu thereof:
\$40,000

AMENDMENT TABLED

On motion of Rep. McDowell, the amendment #1 reported by the Standing Committee on Local Government to the bill, H. 431, was tabled.

Yeas 24; Nays 2.

Yeas:

Reps. Brooks, Bryant, Bugg, Buskey (James), Clark (W), Davis, Escott, Faulk, Gray, Grayson, Holmes, Johnson (Roy), Kennedy, McDowell, McMillan, McNair, Newton, Nicholson, Penry, Perdue, Smith, Spratt, Thomas and Warren.

—24

Nays: Reps. Mikell and Payne.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Local Government, said committee amendment being as follows:

On page 4, line 22, delete the word "mayor" and insert in lieu thereof: council

On page 4, lines 24 and 25, delete the language "or within six months after there shall have been such change in the corporate limits of the municipality,"

On page 4, line 26, delete the word "council" and insert in lieu thereof: clerk

MOTION TO POSTPONE TABLED

On motion of Rep. McNair, the motion offered by Rep. Bachus to postpone further consideration of the bill, H. 431 as amended and the pending amendment, was tabled.

Yeas 19; Nays 14.

Yeas:

Reps. Bryant, Bugg, Buskey (James), Buskey (John), Butler, Clark (W), Davis, Escott, Grayson, Kennedy, McDowell, McNair, Newton, Onderdonk, Parker, Perdue, Rogers, Spratt and Thomas.

—19

Nays:

Reps. Bachus, Beers, Biddle, Blakeney, Bowling, Brooks, Clark (J), Mikell, Moore, Payne, Pratt, Sasser, Smith and White (G)

—14

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. B. 615. To provide an appropriation of \$100,000 from the State General Fund to the State Department of Finance for Alabama's share of expenses for the opening ceremonies of the Tennessee-Tombigbee Waterway in Columbus, Mississippi and Mobile, Alabama.

JIMMY CLARK,
Chairman.

And the bill, H. 615 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 58. To amend Section 9-13-82(a) of the Code of Alabama 1975, so as to provide for severance of forest products at an increased tax rate.

JIMMY CLARK,
Chairman.

And the bill, H. 58 as engrossed, was ordered sent to the Senate.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Poole and Johnson (Roy):

H. R. 203. COMMENDING THE ALABAMA COMMUNITY, JUNIOR, AND TECHNICAL COLLEGES ON THEIR 20TH ANNIVERSARY.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 139. DESIGNATING APRIL 4, 1985, AS "PLEASANT GROVE HIGH SCHOOL CHEERLEADERS DAY" IN ALABAMA

Also:

H. J. R. 161. COMMENDING MRS. MAMIE WHITE OF BAY MINETTE, ALABAMA, "CITIZEN OF THE YEAR."

Also:

H. J. R. 162. HONORING COLONEL J. LLOYD BROWN FOR HIS DEDICATION AND CHRISTIAN LEADERSHIP

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 431 RESUMED

The question was again on the adoption of the amendment #2 reported by the Standing Committee on Local Government.

MOTION TO RECOMMIT TABLED

On motion of Rep. McNair, the motion offered by Rep. Bachus to recommit the bill, H. 431 to the Standing Committee on Local Government, was tabled.

Yeas 17; Nays 10.

Yeas:

Reps. Bryant, Bugg, Buskey (James), Buskey (John), Clark (W), Davis, Escott, Grayson, Holmes, Kennedy, McDowell, McNair, Newton, Parker, Perdue, Rogers and Spratt.

—17

Nays:

Reps. Bachus, Blake, Blakeney, Brooks, Clark (J), Mikell, Onderdonk, Pratt, Sasser and White (G.)

—10

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 185. COMMENDING LEONARD YANCEY DEAN, III, OF EUFAULA, ALABAMA.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Brakefield:

H. R. 204. CONGRATULATING MR. AND MRS. HUBERT GANN ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

H. 431 RESUMED

AMENDMENT ADOPTED

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Local Government, and the amendment was adopted.

Yeas 17; Nays 1.

Yeas:

Reps. Brooks, Bryant, Bugg, Buskey (John), Davis, Escott, Gray, Grayson, Holmes, Kennedy, McDowell, McNair, Newton, Parker, Perdue, Rogers and Spratt.

—17

Nay: Rep. Blakeney.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 42. COMMENDING I. L. FELD UPON RETIREMENT FROM THE UNITED STATES BUREAU OF MINES.

Also:

S. J. R. 43. EXPRESSING APPRECIATION TO THE SATURN CORPORATION FOR ITS CONSIDERATION OF THE STATE OF ALABAMA AS THE LOCATION FOR THIS NEW DIVISION OF GENERAL MOTORS.

Also:

S. J. R. 46. COMMENDING THE GIRL SCOUTS OF THE UNITED STATES OF AMERICA ON THE 73rd ANNIVERSARY OF ITS FOUNDING.

Also:

S. J. R. 47. COMMENDING THE CEDAR PARK-EDGEWOOD OLYMPICS OF THE MIND TEAM.

Also:

S. J. R. 48. RECOGNIZING GATEWAY INDUSTRIES OF SELMA, ALABAMA, FOR OUTSTANDING SUPPORT, THROUGH TRAINING AND EMPLOYMENT, OF HANDICAPPED CITIZENS OF ALABAMA.

Also:

S. J. R. 57. NAMING THE ANNEX TO THE WALTER B. JONES BUILDING ON THE UNIVERSITY OF ALABAMA CAMPUS IN TUSCALOOSA, ALABAMA, THE "GEORGE C. WALLACE ENERGY AND MINERAL RESOURCES WING."

Also:

S. J. R. 65. CONGRATULATING MR. AND MRS. HOLLIS C. THORNTON ON THE OCCASION OF THEIR 50TH GOLDEN WEDDING ANNIVERSARY.

Also:

S. J. R. 66. COMMENDING DR. TOM BRIDGES FOR DEDICATED SERVICE TO THE MEDICAL PROFESSION.

Also:

S. J. R. 69. NAMING A PORTION OF ALABAMA STATE HIGHWAY 21, "THE ALABAMA INSTITUTE FOR DEAF AND BLIND HIGHWAY."

Also:

S. J. R. 70. WELCOMING AND COMMENDING THE BOARD OF BISHOPS OF THE INTERNATIONAL PENTECOSTAL ASSEMBLIES OF THE WORLD.

Also:

S. J. R. 71. MOURNING THE DEATH OF JESSE FOY COVINGTON OF THE BERTHA COMMUNITY, DALE COUNTY, ALABAMA.

Also:

S. J. R. 72. HONORING JAMES B. McMILLAN.

Also:

S. J. R. 73. COMMENDING JOURNALIST BESSIE FORD FOR DISTINGUISHED SERVICE AS A MEMBER OF THE CAPITOL PRESS CORPS.

Also:

S. J. R. 74. HONORING ST. JUDE HIGH SCHOOL IN MONTGOMERY, ALABAMA, STATE 2-A BASKETBALL CHAMPIONS.

Also:

S. J. R. 75. HONORING THE CALHOUN SCHOOL IN LETO-HATCHEE, ALABAMA, STATE 1-A BASKETBALL CHAMPIONS.

Also:

S. J. R. 76. COMMENDING ANTHONY REED OF CALHOUN SCHOOL FOR OUTSTANDING ACHIEVEMENT.

Also:

S. J. R. 77. MOURNING THE DEATH OF JACQUELINE BURNS WALKER OF SELMA, ALABAMA.

Also:

S. J. R. 82. COMMENDING DOCTOR CHARLES E. HERLIHY OF BIRMINGHAM, ALABAMA.

Also:

S. J. R. 83. ESTABLISHING THE JOINT INTERIM COMMITTEE ON COUNTY HEALTH SERVICES.

Also:

S. J. R. 86. RECOGNIZING AND SUPPORTING OCTOBER 6-12, 1985, AS NATIONAL CHILDREN'S WEEK AND ENCOURAGING ITS OBSERVANCE THROUGHOUT ALABAMA.

Also:

S. J. R. 88. COMMENDING AND CONGRATULATING SOUTH-SIDE HIGH SCHOOL, SELMA, ALABAMA, STATE 5A BASKETBALL CHAMPIONS.

Also:

S. J. R. 89. COMMENDING THE JACKSONVILLE STATE UNIVERSITY GAMECOCKS AS THE NCAA DIVISION II NATIONAL BASKETBALL CHAMPIONS.

Also:

S. J. R. 90. CONGRATULATING PATTY AND DOC FOR THEIR SIXTH YEAR ON WZZK.

Also:

S. J. R. 92. DESIGNATING APRIL 16, 1985, AND EACH APRIL 16 ANNUALLY THEREAFTER, AS "SAVE THE BUTTERFLY DAY" IN ALABAMA.

Also:

S. J. R. 93. MOURNING THE UNTIMELY DEATH OF RONNIE JOE PIERCE OF UNION SPRINGS, ALABAMA.

Also:

S. J. R. 100. COMMENDING LILLIAN PUGH ANDREWS OF JACKSON, ALABAMA.

Also:

S. J. R. 101. COMMENDING ALYSSA ASHLEY OF KILLEN, ALABAMA, MISS UNIVERSITY OF NORTH ALABAMA.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Senator Langford (With Notice and Proof):

S. 386. Relating to Montgomery County; providing further for the compensation of the tax assessor and tax collector.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 386, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 386. Local Legislation No. 4.

MESSAGE FROM THE SENATE

Mr Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Senators Mitchem, Dixon, Bailey, Little, Cooley and Bedford:

S. 266. To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 31, 1986.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 266. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Holmes (With Notice and Proof):

S. 407. Relating to Calhoun County; to authorize and make provision for the incorporation in the City of Oxford of the Oxford Downtown Development Authority for the purpose of promoting trade and commerce by inducing commercial enterprises to upgrade, improve, modernize, and expand existing facilities and to locate new facilities in the central business district of Oxford; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of such Authority, its board of directors, and its officers; to authorize such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal

properties necessary in connection therewith whether or not now existing, suitable for use by any commercial enterprise, provided that such property shall be located wholly within the Downtown Development Area established by ordinance of the city council; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to authorize the Authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state or local governments or allow them to use facilities or services of the Authority; to make loans to persons or entities for the costs of a project on such security and with such terms and conditions as the Authority deems appropriate; to provide for the employment by any such Authority of such officers, employees, contractors, consultants and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to require payments in lieu of taxes to be made to the Authority or the City; to receive the proceeds of municipal taxes levied for the Authority's purposes; to promote revitalization of the Downtown Development Area and make plans and proposals therefor; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state except for state ad valorem taxes; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, except for state sales and use taxes, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the

earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; to give the Authority the power of eminent domain; and to authorize political subdivisions, agencies, instrumentalities and public corporations of the state to aid the Authority with loans or grants of money, the furnishing of services or the transfer of property to the Authority without any public election; and to require the treasurer to obtain a fidelity bond equal to the amount of any public funds held by the Authority.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 407, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

MCDOWELL LEE, SECRETARY

Also:

By Senator Holmes (With Notice and Proof):

S. 408. Relating to Calhoun County; to authorize and make provision for the incorporation in the City of Anniston of the Anniston Downtown Development Authority for the purpose of promoting trade and commerce by inducing commercial enterprises to upgrade, improve, modernize, and expand existing facilities and to locate new facilities in the central business district of Anniston; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of such Authority, its board of directors, and its officers; to authorize such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith whether or not now existing, suitable for use by any commercial enterprise, provided that such property shall be located wholly within the Downtown Development Area established by ordinance of the city council; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to authorize the Authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state or local governments or allow them to use facilities or services of the Authority; to make loans to persons or entities for the costs of a project on such security and with such terms and conditions as the Authority deems appropriate; to provide for the employment by any such Authority of such officers, employees, contractors, consultants and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to require payments in lieu of taxes to be made to the Authority or the City; to receive the

proceeds of municipal taxes levied for the Authority's purposes; to promote revitalization of the Downtown Development Area and make plans and proposals therefor; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state except for state ad valorem taxes; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, except for state sales and use taxes, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; to give the Authority the power of eminent domain; and to authorize political subdivisions, agencies, instrumentalities and public corporations of the state to aid the Authority with loans or grants of money, the furnishing of services or the transfer of property to the Authority without any public election; and to require the treasurer to obtain a fidelity bond equal to the amount of any public funds held by the Authority.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 408, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Holmes (With Notice and Proof):

S. 409. Relating to Calhoun County; to provide for the mailing address of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 409, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

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Also:

By Senator Holmes (With Notice and Proof):

S. 410. Relating to the City of Oxford in Calhoun County; amending further Act No. 963, S. 1177, 1975 Regular Session (Acts 1975, p. 1996), which provides for a civil service system for the city, so as to provide further for compensation of the board members and the chairman of the board; and to provide for an applicant's examination fee.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 410, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Aldridge (With Notice and Proof):

S. 411. Relating to Morgan County; further amending Section 2 of Act No. 80-167, S. 299, Regular Session 1980 (Acts 1980, p. 245), as amended, relating to the distribution of payments by Tennessee Valley Authority in lieu of ad valorem taxes, so as to extend the period for the present distribution formula.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 411, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Smith (J) (With Notice and Proof):

S. 422. Relating to Madison County; authorizing the license commissioner to issue boat licenses by mail and to allow an additional issuance fee to cover the expense of mailing such licenses.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 422, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Holmes (With Notice and Proof):

S. 428. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Hobson City in Calhoun County.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 428, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 407. Local Legislation No. 1.
- S. 408. Local Legislation No. 1.
- S. 409. Local Legislation No. 1.
- S. 410. Local Legislation No. 1.
- S. 411. Local Legislation No. 1.
- S. 422. Local Legislation No. 4.
- S. 428. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senators Menton, Aldridge, Cooley, and Bedsole:

S. 141. To provide that any local city or county board of education be allowed to shorten the minimum number of school days up to a maximum of five days because schools were closed due to a natural disaster and to provide that no school shall lose any funds and that no teachers or employees shall lose any pay due to the provisions of this Act.

Also:

By Senator Bishop:

S. 280. To amend Section 36-29-2, Code of Alabama 1975, which creates the state employees' insurance board, so as to provide further for membership on the board.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 141. Education
- S. 280. State Administration

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Dixon:

S. 86. To amend Section 41-4-93, Code of Alabama, 1975, so that reimbursements from any source made to the Rehabilitation and Crippled

Children Service for state funds expended on behalf of clients do not revert at the end of a fiscal year.

Also:

By Senator Bailey:

S. 155. To amend Section 2-3A-2 of the Code of Alabama 1975 relating to the types of agricultural facilities permitted to be financed by the Alabama Agricultural Development Authority so as to permit the Authority to finance facilities for the treating, processing or storing of agricultural commodities without regard to whether such activities are customarily engaged in by farmers as a part of farming.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 86. Ways and Means.

S. 155. Agriculture and Forestry.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and sends same herewith to the House:

By Senator Smith (J):

S. 53. To provide that any person convicted of certain crimes of violence shall not be eligible for work release.

Also:

By Senators Denton, Goodwin, and Teague:

S. 121. To further amend Section 29-1-19.1, Code of Alabama 1975, as last amended, relating to certain streets adjacent to the capitol building under the control of the legislature, so as to extend such areas to include certain streets and parking surrounding the Alabama State House owned by the State of Alabama, exclusive of rights-of-way or parking facilities now controlled by the city of Montgomery.

Also:

By Senator Drinkard:

S. 414. To amend Section 2 of Act No. 82-620, S. 109, Regular Session 1982, now appearing as Section 40-6A-2, Code of Alabama 1975, which is related to the compensation of the tax assessors, tax collectors, revenue commissioners, license commissioners or other persons charged with assessing and collecting ad valorem taxes in the various counties of this State so as

to provide further for the salaries and the method of payment of salaries established in said Act and to provide an effective date, including a retroactive effective date for certain officials covered in said Act.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 53. Judiciary.

S. 121. State Administration.

S. 414. Ways and Means.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 185. COMMENDING LEONARD YANCEY DEAN, III, OF EUFAULA, ALABAMA.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 42. Relating to Washington County; abolishing the office of constable; and providing an effective date.

Also:

H. 43. Relating to Clarke County; abolishing the office of constable; and providing an effective date.

Also:

H. 107. Relating to Tallapoosa County; providing further for the meeting days and compensation of the members of the board of registrars; repealing

Act No. 32, S. 26, Regular Session 1967 and Act No. 84-818, H. 41, First Special Session 1984; and providing for retroactive effect.

Also:

H. 109. Relating to Tallapoosa County; providing further for the procedure for selling and redeeming lands for taxes.

Also:

H. 315. Pertaining to Limestone County; for purposes of clarification to provide that all county commissioners of Limestone County shall devote their entire time to the performance of the duties of their offices.

Also:

H. 408. To alter or rearrange the boundary lines of the Town of Excel, Monroe County, Alabama, so as to include in the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto in Monroe County, Alabama.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 431. RESUMED

MOTION TO POSTPONE

Rep. Carothers offered the motion to postpone further consideration of the bill, H. 431 as amended, to the nineteenth legislative day.

MOTION TO TABLE LOST

The motion offered by Rep. McNair to table the motion to postpone offered by Rep. Carothers, was lost.

Yeas 20; Nays 44.

Yeas:

Reps. Black, Bryant, Bugg, Buskey (James), Buskey (John), Clark (W), Davis, Dutton, Escott, Holmes, Kennedy, McDowell, McNair, Newton, Perdue, Pratt, Reed, Rogers, Spratt and Thomas.

—20

Nays:

Reps. Adams, Bachus, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Brakefield, Brooks, Butler, Carothers, Carter, Clark (J), Coleman, Cosby, Crow, Faulk, Fuller, Gaston, Harper, Harvey, Hooper, Johnson (RG), Junkins,

Kvalheim, Laird, McKee, McMillan, Mathis, Mikell, Moore, Newman, Payne, Penry, Preuitt, Rice, Sasser, Smith, Starkey, Starr, White (F), White (G) and White (L).

—44

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. McNair to postpone further consideration of the bill, H. 431 as amended, to the sixteenth legislative day, was lost.

Yeas 18; Nays 44.

Yeas:

Reps. Black, Bryant, Bugg, Buskey (James), Buskey (John), Clark (W), Davis, Escott, Holmes, Johnson (Roy), Kennedy, McDowell, McNair, Newton, Perdue, Reed, Rogers and Spratt.

—18

Nays:

Reps. Adams, Bachus, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Brakefield, Brooks, Butler, Carothers, Carter, Clark (J), Coleman, Cosby, Crow, Faulk, Flowers, Fuller, Gaston, Grouby, Harper, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, McKee, McMillan, Mathis, Mikell, Moore, Newman, Payne, Penry, Preuitt, Rice, Sasser, Smith, Starkey, Starr, White (G) and White (L).

—44

MOTION TO POSTPONE WITHDRAWN

Rep. Carothers withdrew his motion to postpone further consideration of the bill, H. 431 as amended, to the nineteenth legislative day.

AMENDMENT OFFERED

Rep. McNair offered the following amendment to the bill, H. 431 as amended:

Amend House Bill 431, as Substituted, on Page 11, immediately following line 5, by adding a new Section 23 to read as follows and renumbering the remaining sections accordingly.

Section 23. The provisions of this Act are permissive and shall only apply to those Class 5 municipalities who have a commission form of government and who wish to abandon that form of government and adopt the provisions of this Act. This Act shall be construed in pari materia with other Acts which relate to Class 5 municipalities and shall be considered an optional form of government to be adopted at the discretion of any Class 5 municipality which elects to do so.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 28; Nays 2.

Yeas:

Reps. Beers, Biddle, Black, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Clark (W), Davis, Escott, Hettinger, Holmes, Johnson (RG), Johnson (Roy), Kennedy, McDowell, McKee, Newton, Onderdonk, Payne, Perdue, Pratt, Preuitt, Rogers, Smith, Spratt and Thomas.

—28

Nays: Reps. Adams and Crow.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO POSTPONE

Rep. Smith offered the motion to postpone further consideration of the bill, H. 431 as amended, to the seventeenth legislative day.

SUBSTITUTE MOTION

Rep. Carothers offered the substitute motion to postpone further consideration of the bill, H. 431 as amended, to the nineteenth legislative day.

MOTION TO TABLE LOST

The motion offered by Rep. Smith to table the substitute motion offered by Rep. Carothers to postpone further consideration of the bill, H. 431 as amended, to the nineteenth legislative day, was lost.

Yeas 24; Nays 34.

Yeas:

Reps. Black, Bryant, Bugg, Buskey (James), Buskey (John), Clark (W), Davis, Escott, Holmes, Johnson (Roy), Kennedy, McDowell, McMillan, McNair, Melton, Newton, Perdue, Pratt, Preuitt, Reed, Rogers, Smith, Spratt and Thomas.

—24

Nays:

Reps. Adams, Bachus, Beasley, Beers, Biddle, Blakeney, Brooks, Butler, Carothers, Carter, Clark (J), Cosby, Crow, Faulk, Flowers, Fuller, Gaston, Hammett, Harper, Hooper, Johnson (RG), Kvalheim, Laird, McKee, Mathis, Mikell, Newman, Payne, Rice, Richardson, Sasser, Starr, White (G) and White (L).

—34

SUBSTITUTE MOTION ADOPTED

The question was then on the substitute motion offered by Rep. Carothers to postpone further consideration of the bill, H. 431 as amended, to the nineteenth legislative day, and the substitute motion was adopted.

Yeas 40; Nays 23.

Yeas:

Reps. Adams, Bachus, Beasley, Beers, Biddle, Blakeney, Bowling, Brakefield, Brooks, Butler, Carothers, Carter, Clark (J), Cosby, Crow, Faulk, Flowers, Fuller, Gaston, Hammett, Harper, Hooper, Johnson (RG), Kvalheim, Laird, McKee, McMillan, Mathis, Mikell, Moore, Newman, Parker, Payne, Preuitt, Rice, Sasser, Smith, Starr, White (G), and White (L).

—40

Nays:

Reps. Black, Bryant, Bugg, Buskey (James), Buskey (John), Clark (W), Davis, Escott, Gray, Grayson, Hall, Holmes, Johnson (Roy), Kennedy, McDowell, McNair, Newton, Perdue, Pratt, Reed, Rogers, Spratt and Thomas.

—23

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION LOST

The motion offered by Rep. Johnson (Roy) to adopt the Budget Isolation Resolution relating to H. B. 649, was lost, lacking a three-fifths vote.

Yeas 49; Nays 41.

Yeas:

Mr. Speaker, Beasley, Black, Blake, Blakeney, Brakefield, Britnell, Bryant, Bugg, Burke, Clark (D), Clark (J), Coleman, Crow, Dutton, Flowers, Ford, Fuller, Goodwin, Grouby, Hammett, Harvey, Holley, Johnson (RG), Johnson (Roy), Junkins, Laird, Lauderdale, Lindsey, Martin, Mathis, Melton, Mikell, Moore, Newman, Nicholson, Onderdonk, Parker, Poole, Pratt, Preuitt, Rains, Reed, Smith, Starr, Tanner, Venable, Warren and White (L).

—49

Nays:

Reps. Albright, Bachus, Beers, Biddle, Boles, Box, Brooks, Buskey (James), Buskey (John), Butler, Carter, Clark (W), Davis, Gaston, Gray, Grayson, Hall, Harper, Hettinger, Holmes, Hooper, Kennedy, Kvalheim, McDowell, McKee, McMillan, McNair, Marietta, Newton, Payne, Penry, Perdue, Rice, Rogers, Sasser, Spratt, Starkey, Trammell, Turner, White (G) and Zoghby.

—41

BUDGET ISOLATION RESOLUTION TEMPORARILY POSTPONED

On motion of Rep. Coleman the Budget Isolation Resolution relating to H. B. 203 was temporarily postponed.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Gray, Budget Isolation Resolution, H. B. 75, was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Beers, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Crow, Davis, Flowers, Ford, Fuller, Gray, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Kennedy, Laird, Lauderdale, McMillan, Martin, Mathis, Melton, Mikell, Newton, Nicholson, Onderdonk, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Trammell, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—63

BUDGET ISOLATION RESOLUTION TEMPORARILY POSTPONED

On motion of Rep. Coleman, consideration of the Budget Isolation Resolution relating to H. 203, was temporarily postponed.

And the bill:

H. 75. To amend Sections 13A-6-60 and 13A-6-64, Code of Alabama 1975, relating to sexual offenses in the criminal code, so as to define the crime of bestiality and to prescribe penalties for the commission of such crime.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Reps. Albright, Bachus, Beasley, Beers, Biddle, Blake, Boles, Box, Brakefield, Britnell, Brooks, Bryant, Burke, Buskey (James), Butler, Carothers, Carter, Clark (D), Clark (W), Crow, Davis, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Newman, Newton, Nicholson, Onderdonk, Payne, Penry, Perdue, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Trammell, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—74

BUDGET ISOLATION RESOLUTION

On motion of Rep. Carothers, Budget Isolation Resolution, H. B. 280, was adopted.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Bowling, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Faulk, Ford, Gaston, Goodwin, Hammett, Harper, Harvey,

Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Martin, Mathis, Moore, Newman, Newton, Nicholson, Poole, Preuitt, Rains, Richardson, Smith, Spratt, Venable, White (G) and White (L).

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 280. To repeal Sections 22-30-5 and 22-30-7, Code of Alabama as amended, which provide for the dedication and acceptance of hazardous waste storage facilities and disposal sites.

To amend Sections 22-30-4 and 22-30-18, Code of Alabama 1975, as amended, so as to authorize the Alabama Department of Environmental Management to issue and serve subpoenas requiring persons to give testimony or produce papers, documents, records and tangible things and to enforce obedience to such subpoenas; to provide for monitoring of commercial disposal sites; to clarify the public availability and confidentiality of records and information obtained by the Alabama Department of Environmental Management; to permit the Alabama Department of Environmental Management to require monitoring and sampling; and to clarify provisions relating to disposal fees.

Was taken up.

AMENDMENT OFFERED

Rep Carothers offered the following amendment to the bill, H. 280:

Amend House Bill 280, Section 1, page 3, beginning on line 14, by striking lines 14 through 36 in their entirety and on page 4 beginning on line 5 by striking lines 5 through 12 in their entirety.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bugg, Butler, Carothers, Carter, Clark (J), Faulk, Ford, Grayson, Hammett, Harvey, Hettinger, Johnson (RG), Junkins, Kennedy, Laird, Lauderdale, Lindsey, Martin, Mathis, Moore, Newman, Nicholson, Parker, Poole, Pratt, Rains, Rice, Smith, Starkey, Starr, Venable, Warren, White (F), White (G) and White (L).

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 280, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Bowling, Box, Brakefield, Britnell, Brooks, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Faulk, Ford, Gaston, Goodwin, Grayson, Hammett, Harper, Harvey, Hettinger, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, Mikell, Moore, Newman, Newton, Nicholson, Onderdonk, Perdue, Poole, Pratt, Rains, Reed, Rice, Richardson, Smith, Spratt, Starkey, Starr, Tanner, Venable, White (F), White (G) and White (L).

—59

Nay Rep. Holley.

—1

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Spratt to suspend the rules in order to bring up out of order the Budget Isolation Resolution relating to H. B. 479, was lost, lacking a four-fifths vote.

Yeas 9; Nays 4.

Yeas:

Reps. Bryant, Bugg, Buskey (John), McNair, Newton, Nicholson, Perdue, Rogers and Spratt.

—9

Nays: Reps. Gray, Parker, Pratt and White (G).

—4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Clark (J), Budget Isolation Resolution, H. B. 629, was adopted.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Escott, Faulk, Ford, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, McMillan, Martin, Mathis, Mikell, Moore, Newman,

Newton, Nicholson, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Trammell, Turner, Venable, Warren, White (F) and White (L).

—73

And the bill:

H. 629. To designate the Department of Mental Health and Mental Retardation as a special school district.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Biddle, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, McMillan, Martin, Mathis, Mikell, Moore, Newman, Newton, Nicholson, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starr, Trammell, Turner, Venable, Warren, White (F) and White (L).

—75

BUDGET ISOLATION RESOLUTION

On motion of Rep. Starr, Budget Isolation Resolution, H. B. 103, was adopted.

Yeas 67; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Biddle, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Davis, Dutton, Faulk, Gaston, Goodwin, Gray, Grouby, Hammett, Harvey, Hettinger, Holley, Holmes, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McMillan, Mathis, Mikell, Moore, Newman, Newton, Nicholson, Parker, Payne, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starr, Trammell, Turner, Venable, Warren, White (F) and White (L).

—67

Nay: Rep. Hall.

—1

S. 68 SUBSTITUTED FOR H. 103

On motion of Rep. Starr, the bill, S. 68, was substituted for the bill, H. 103.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Starr, Budget Isolation Resolution, S. B. 68, was adopted.

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Yeas 69; Nays 1.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Gaston, Goodwin, Gray, Grouby, Hammett, Harvey, Hettinger, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McMillan, Mathis, Mikell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Trammell, Turner, Turnham, Venable, Warren, White (F) and White (L).

—69

Nay: Rep. Hall.

—1

And the bill:

S. 68. To amend Section 41-16-50 and Section 41-16-57, Code of Alabama 1975, relating to the expenditure of public funds for leases and related to the expenditure of public funds awarding lease purchase contracts; to establish an effective date.

Was taken up.

AMENDMENT OFFERED

Rep. Crow offered the following amendment to the bill, S. 68:

Amend Senate Bill 68 on page 1, line 30, after the syllables "volving" by striking the figure ~~\$2,000.00~~ and inserting in lieu thereof the figure \$3,000.00.

Further amend on page 1, line 33, by striking the figure ~~\$2,000.00~~ and inserting in lieu thereof the figure \$3,000.00.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 69; Nays 1.

Yeas:

Mr. Speaker, Albright, Beasley, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harvey, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McMillan, Mathis, Mikell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starr, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—69

Nay: Rep. Hall.

—1

And the bill, S. 68 as thus amended, was read a third time at length and passed.

Yeas 71; Nays 4.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Faulk, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harvey, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McMillan, Mathis, Mikell, Moore, Newman, Newton, Nicholson, Onderdonk, Payne, Penry, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Smith, Spratt, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—71

Nays: Reps. Brooks, Hall, Holley and Parker.

—4

BUDGET ISOLATION RESOLUTION

On motion of Rep. Kennedy, Budget Isolation Resolution, H. B. 275, was adopted.

Yeas 55; Nays 5.

Yeas:

Mr. Speaker, Albright, Blake, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Grayson, Grouby, Harvey, Holley, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Mathis, Newman, Nicholson, Onderdonk, Parker, Penry, Pratt, Rains, Rice, Richardson, Rogers, Trammell, Turner, Turnham, Warren, White (F), White (L) and Zoghby.

—55

Nays:

Reps. Butler, Johnson (RG), Laird, Payne and Smith.

—5

And the bill:

H. 275. To provide for emergency call boxes on Interstate Highway 65 between Montgomery and Mobile and appropriates necessary funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 14.

Yeas:

Mr. Speaker, Albright, Bachus, Blake, Blakeney, Bowling, Box, Britnell, Bryant, Bugg, Buskey (James), Buskey (John), Carter, Clark (D), Clark (W), Cosby, Crow, Davis, Escott, Faulk, Gaston, Goodwin, Grayson, Grouby, Harper, Holley, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Marietta, Mathis, Melton, Nicholson, Onderdonk, Parker, Penry, Rains, Reed, Rice, Richardson, Rogers, Turner, Turnham, Warren, White (F) and Zoghby.

—51

Nays:

Reps. Adams, Beasley, Brooks, Butler, Gray, Hammett, Johnson (RG), Laird, Payne, Preuitt, Sasser, Smith, Tanner and White (L).

—14

BUDGET ISOLATION RESOLUTION

On motion of Rep. Warren, Budget Isolation Resolution, H. B. 358, was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blake, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McMillan, Marietta, Martin, Mathis, Newman, Newton, Nicholson, Onderdonk, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—75

And the bill:

H. 358. (With Substitute): To amend Section 9-13-11, Code of Alabama 1975, which relates to the willful and malicious burning of woodlands, so as to provide further for the definition of paraphernalia used in arson.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To amend Section 9-13-11, Code of Alabama 1975, which relates to the willful and malicious burning of woodlands, so as to provide further for the definition of paraphernalia used in arson.

Be It Enacted by the Legislature of Alabama:

Section 1. The short title of this bill is the Alabama Wood Lands Protection Act.

Section 2. Section 9-13-11, Code of Alabama 1975, is hereby amended to read as follows:

“§9-13-11.

“(a) It shall be a Class C felony for every person, firm, association or corporation who:

“(1) Willfully, maliciously or intentionally burns, sets fire to, or causes to be burned or any fire to be set to any forest, grass, woodlands, or other

inflammable vegetation on any lands not owned, leased, controlled, or in the lawful possession of the person, firm, association or corporation setting such fire or burning such lands or causing such fire to be set or lands to be burned;

“(2) Shall have in his possession or shall set, throw or place any device, instrument or paraphernalia so designed, constructed, or adopted to cause a fire in or adjacent to any forest, grass, woodlands or other inflammable vegetation, which forest, grass, woodland or other inflammable vegetation is not owned, leased, controlled or in the lawful possession of the person possessing such device, instrument or paraphernalia;

“(b) It shall be a Class B misdemeanor for any person, firm, association or corporation:

“(1) Who allows a fire to escape from land owned, leased or controlled by him, whereby any property of another is injured or destroyed;

“(2) Who shall burn any brush, stumps, logs, rubbish, fallen timber, grass, stubble or debris of any sort, whether on one's own land or that of another, without taking reasonably necessary precautions, both before lighting the fire and all times thereafter to prevent the escape thereof;

“(3) Who shall set fire to any brush, stumps, logs, rubbish, fallen timber, grass, stubble or debris of any sort within or near any forest or woodland, unless the area surrounding said material to be burned shall be cleared of all inflammable material for a reasonably safe distance in all directions and maintained free of all inflammable material so long as such fire shall continue to burn;

“(4) Who shall set a fire within or near any forest, woodland or grassland without clearing the ground immediately around it free from material which will carry fire, or shall leave such fire before it is totally extinguished or start a fire in any forest, woodland or grassland by throwing away a lighted cigar, cigarette, match or by the use of firearms or in any other manner and leave the same unextinguished;

“(5) Who shall destroy, remove, injure or deface any fire warning or notices or deface any inscription or devices comprising such notices;

“(6) Who shall burn any new ground, field, grasslands, or woodlands, adjoining woodlands or grasslands of another within any area which has been placed under organized forest fire protection by the state forestry commission without first obtaining verbal authorization from the state forestry commission by obtaining a burning permit number.

“(c)(1) Burning permits may be obtained from the district operations center when the center is in active operation. The following criteria must be met:

“a. The person requesting the permit must have adequate tools, equipment and manpower to stay with and control the fire during the entire burning period.

“b. The person requesting the permit is responsible to keep the fire confined.

“c. In no case will the person requesting the permit allow the fire to be unattended until it is dead out.

"(2) Burning permits will be issued if the individual requesting the permit states that the above criteria will be met unless the state forester shall declare a fire alert. Under fire alert conditions the state forester may allow issuance of permits at his discretion, taking into account the number of fires burning in the district, current and projected weather conditions, the ability of the person seeking the permit to contain the fire and that individual's knowledge of fire behavior and other factors which may affect fires and fire behavior. A fire alert will be issued by the state forester for any district or portion of a district that in the opinion of the state forester, has existing conditions which produce extraordinary danger from fire.

"(3) If subsequent to issuance of a permit a lawfully authorized fire escapes to the lands of another and an investigation reveals that the permit holder did not meet all the criteria as set forth above, the fire will be treated as if no legal authorization had been obtained.

"(4) A burning permit once issued may be revoked if the person requesting the permit fails to comply with proper burning procedures or if weather conditions develop which may result in erratic fire behavior.

"(d) An area shall be deemed legally placed under organized forest fire protection by the state forestry commission of the state of Alabama upon proclamation of the state forester. Such proclamation shall describe the lands placed in said area and shall be published once a week for two consecutive weeks in a newspaper published in the county where the lands composing said area are located. If there are no newspapers published in the county where said lands are located, then said proclamation shall be published in a newspaper of an adjoining county. In the event the lands composing said area are located in more than one county, such proclamation shall be so published in a newspaper in each county where said lands are located. Beginning with the twelfth day after the first publication of said proclamation in said newspaper or newspapers, the lands described in the proclamation shall be deemed in an area under organized forest fire protection. Upon the trial of any person, firm or corporation for the violation of any provision of this section, a certified copy of said proclamation executed by the state forester shall be admissible in evidence and shall be conclusive evidence of the fact that the lands described in said proclamation constitute an area under organized forest fire protection within the meaning of this section.

"(e) All money collected for any violation of this section as fines, forfeitures, etc., shall go to the Alabama forestry commission fund and shall be used in defraying the expense of the administration of such state forestry commission."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Biddle, Blake, Box, Brakefield, Britnell, Brooks, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coleman, Crow, Davis, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McMillan, Martin, Mathis, Nicholson,

Onderdonk, Parker, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Tanner, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—68

And the bill, H. 358, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Biddle, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Crow, Davis, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Mikell, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Tanner, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—78

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 270. Relating to Mobile County; providing for additional volunteer deputy registrars; providing for their appointments upon the recommendation of the representatives and senators from Mobile County; providing that such volunteer deputy registrars shall serve without pay; and setting the terms concurrently with the legislator making the recommendation for said volunteer.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Clark (J), Budget Isolation Resolution, H. B. 95, was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Crow, Davis, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lindsey,

McMillan, Marietta, Martin, Mikell, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Preuitt, Rains, Richardson, Rogers, Sasser, Smith, Starr, Trammell, Turner, Venable, Warren, White (F) and White (L).

—72

And the bill:

H. 95. To amend Sections 34-9-1, 34-9-9, 34-9-11, 34-9-17, 34-9-18, 34-9-22, 34-9-25, 34-9-26, 34-9-27, 34-9-29, 34-9-41, and 34-9-43 of the Code of Alabama 1975, relating to dentists and dental hygienists, so as to regulate further the practice of dentistry and dental hygiene; to regulate further the Board of Dental Examiners; to regulate the administration of anesthesia by dentists; and to provide sanctions.

Was taken up.

AMENDMENT OFFERED

Rep. Clark (J) offered the following amendment to the bill, H. 95:

Amend H. B. 95 by adding a new sub-section (d) in Section 34-9-9, immediately following (c) on page five that reads to-wit:

34-9-9 (d) Nothing herein shall prohibit the predetermination of benefits for dental care expenses prior to treatment by the attending dentist, or the post treatment evaluation and review of dental services for purposes of peer review or other similar evaluations of dental services.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Bowling Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Faulk, Ford, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Hettinger, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mikell, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Pratt, Preuitt, Reed, Richardson, Rogers, Sasser, Smith, Starr, Trammell, Turner, Venable, Warren, White (F) and White (L).

—67

And the bill, H. 95, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Crow, Davis, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG),

Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Mikell, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—77

BUDGET ISOLATION RESOLUTION

On motion of Rep. Blake, Budget Isolation Resolution, H. B. 606, was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Harvey, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McMillan, Marietta, Martin, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Poole, Pratt, Reed, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—69

And the bill:

H. 606. To amend Section 37-3-4, Code of Alabama 1975, relating to the exemption of certain motor vehicle carriers from regulation by the Public Service Commission, so as to include wrecker services within the exemptions.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coleman, Cosby, Crow, Davis, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Mikell, Newman, Nicholson, Onderdonk, Parker, Payne, Poole, Pratt, Reed, Rice, Richardson, Rogers, Sasser, Smith, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—79

BUDGET ISOLATION RESOLUTION

On motion of Rep. Biddle, Budget Isolation Resolution, H. B. 146, was adopted.

Yeas 68; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Boles, Box, Britnell, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coleman, Cosby, Crow, Davis, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Holley, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McMillan, Marietta, Martin, Mathis, Newman, Nicholson, Parker, Payne, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Smith, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—68

Nay: Rep. Brooks.

—1

And the bill:

H. 146. To amend §41-16-21 of the Code of Alabama 1975 to exempt from the provisions of the law on competitive bidding on public contracts purchases by any hospital or other medical facility operated by any state department, board, bureau, commission, committee, institution, corporation, authority or office.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 11.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harvey, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Martin, Mathis, Newman, Newton, Nicholson, Onderdonk, Payne, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—69

Nays:

Reps. Bachus, Brooks, Butler, Harper, Holley, Johnson (RG), Johnson (Roy), Marietta, Mikell, Smith and White (G).

—11

BUDGET ISOLATION RESOLUTION

On motion of Rep. Holley, Budget Isolation Resolution, H. B. 490, was adopted.

Yeas 63; Nays 13.

Yeas:

Mr. Speaker, Albright, Bachus, Beasley, Black, Blake, Blakeney, Box, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Carothers, Carter, Clark (D), Clark (W), Coleman, Cosby, Davis, Dutton, Escott, Fuller, Gaston, Goodwin,

Grouby, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McMillan, Mathis, Melton, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (F) and Zoghby.

—63

Nays:

Reps. Boles, Butler, Faulk, Flowers, Gray, Marietta, Mikell, Payne, Rice, Starr, Trammell, White (G) and White (L).

—13

PERMISSION GRANTED

Permission was granted for the Journal to show Rep. Kvalheim removed as co-sponsor to the bill, H. 490.

H. 490 TEMPORARILY POSTPONED

On motion of Rep. Holley, consideration of the bill, H. 490, was temporarily postponed.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Holley, Budget Isolation Resolution, H. B. 590, was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Biddle, Blake, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Coleman, Davis, Dutton, Escott, Ford, Fuller, Gaston, Goodwin, Grayson, Hammett, Holley, Hooper, Johnson (Roy), Junkins, Lauderdale, McDowell, McMillan, Melton, Newman, Nicholson, Onderdonk, Payne, Poole, Pratt, Rains, Reed, Rogers, Sasser, White (F), White (G), White (L) and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 590. To create the Water Pollution Control Grant Fund and authorize the Alabama Department of Environmental Management to make grants to any county, municipality or public corporation, agency or instrumentality, from such fund for the purpose of constructing sewage treatment facilities and to adopt rules and regulations to carry out the provisions of this Act.

Was taken up.

SUBSTITUTE OFFERED

Rep. Holley offered the following substitute to the bill, H. 590:

A BILL
TO BE ENTITLED
AN ACT

To create the Pollution Control Grant Fund and authorize the Alabama Department of Environmental Management to make grants in accordance with any terms or stipulations attached to moneys deposited into the fund or to make grants to any county, municipality or public corporation, agency or instrumentality from such fund for the purpose of pollution control, abatement or prevention and to adopt rules and regulations to carry out the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created a fund known as the pollution control grant fund. This fund shall consist of (1) all appropriations made to the fund; and (2) all grants, gifts, bequests or donations made to the fund from any source whatsoever. This fund shall be used and expended by the Alabama department of environmental management in accordance with the terms of the appropriation, gift, bequest, grant or donation from which said moneys are derived and in the absence of such terms or stipulations, shall be expended by said department in accordance with the provisions of Section 2 of this Act. All necessary expenses of said department in implementing the provisions of this Act shall likewise be paid out of the fund on the requisition of the director of said department as may be deemed advisable.

Section 2. Except as provided in Section 1 of this Act, the Alabama department of environmental management is authorized to make grants to any county, municipality or public corporation, agency or instrumentality organized under the laws of the state, for the purpose of carrying out any air, land or water pollution control, prevention or abatement practices, measures, experiments or research, from the pollution control grant fund and to enter into and carry out contracts or agreements in connection therewith and include in any contract or agreement such conditions as it may deem reasonable and appropriate.

Section 3. Acting through the environmental management commission, the Alabama department of environment management is authorized to promulgate rules, regulations and standards to carry out the provisions of this Act.

Section 4. All laws or parts of laws, special, local or general, which conflict or are inconsistent with this Act are hereby repealed, insofar as such laws or parts of laws conflict or are inconsistent with this Act.

Section 5. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Coleman, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grayson, Grouby, Hammett, Holley, Johnson (RG), Junkins, Kvalheim, Lauderdale, McDowell, Mathis, Newman, Nicholson, Payne, Poole, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Starr, Trammell, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—56

And the bill:

H. 590. To create the Pollution Control Grant Fund and authorize the Alabama Department of Environmental Management to make grants in accordance with any terms or stipulations attached to moneys deposited into the fund or to make grants to any county, municipality or public corporation, agency or instrumentality from such fund for the purpose of pollution control, abatement or prevention and to adopt rules and regulations to carry out the provisions of this Act.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 73; *Nays* 1.

Yeas:

Mr. Speaker, Albright, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grouby, Hammett, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McMillan, Mathis, Melton, Newman, Nicholson, Onderdonk, Payne, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—73

Nay: Rep. Grayson.

—1

BUDGET ISOLATION RESOLUTION TEMPORARILY POSTPONED

On motion of Rep. Holmes, the motion offered by Rep. Onderdonk to bring up the Budget Isolation Resolution relating to H. B. 40, was temporarily postponed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 140. COMMENDING THE ATHENS STATE BEARS BASKETBALL TEAM.

Also:

H. J. R. 142. COMMENDING ROBERT A. GUTHANS UPON HIS ELECTION AS PRESIDENT OF THE MOBILE AREA CHAMBER OF COMMERCE.

Also:

H. J. R. 143. COMMENDING DR. LEON DAVIS OF THE UNIVERSITY OF MONTEVALLO.

Also:

H. J. R. 145. COMMENDING J. P. "JIMMY" GARVIN, JR., OF ALBERTVILLE, ALABAMA.

Also:

H. J. R. 146. CONGRATULATING MR. AND MRS. U. G. HAYNES ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

Also:

H. J. R. 148. COMMENDING ELZIE GRAY OF ASHBURY, ALABAMA.

Also:

H. J. R. 150. MOURNING THE DEATH OF MISS RUTH INEZ CALLAN OF GADSDEN, ALABAMA.

Also:

H. J. R. 151. MOURNING THE DEATH OF CURTIS MELVIN LOPER OF CHATOM, ALABAMA.

Also:

H. J. R. 156. COMMENDING JOHN J. IRONS, JR., OF MOBILE, ALABAMA, ON HIS DISTINGUISHED EDUCATIONAL CAREER.

Also:

H. J. R. 164. MOURNING THE DEATH OF FORMER WETUMPKA MAYOR, HENRY ELLIS AUSTIN.

Also:

H. J. R. 165. MOURNING THE DEATH OF FORMER LONGTIME DISTRICT JUDGE EDWIN SANFORD OF WETUMPKA, ALABAMA.

Also:

H. J. R. 166. COMMENDING GOVERNOR GEORGE C. WALLACE FOR HIS ESTABLISHMENT OF THE ALABAMA GOVERNOR'S CONFERENCE ON VOLUNTEERISM.

Also:

H. J. R. 173. COMMENDING ARCHIE AND MARY GILBERT MARTIN UPON THEIR GOLDEN WEDDING ANNIVERSARY.

Also:

H. J. R. 174. CONGRATULATING MR. AND MRS. MARION C. RICHEY ON THEIR 52ND WEDDING ANNIVERSARY.

Also:

H. J. R. 175. COMMENDING STUART BACHUS OF BIRMINGHAM, ALABAMA.

Also:

H. J. R. 177. MOURNING THE DEATH OF WALTER A. GOOLSBY OF MILLBROOK, ALABAMA.

Also:

H. J. R. 182. PROCLAIMING WEEK OF MAY 5-11, 1985, NATIONAL MENTAL HEALTH COUNSELORS WEEK.

Also:

H. J. R. 188. CREATING THE ALABAMA LEGISLATIVE CONGRESSIONAL ADVISORY COMMITTEE ON THE TEXTILE INDUSTRY.

Also:

H. J. R. 189. COMMENDING PHILLIPS HIGH SCHOOL, BEAR CREEK, ALABAMA, ON THE GIRLS BASKETBALL STATE 1A CHAMPIONSHIP.

Also:

H. J. R. 191. COMMENDING COLLEEN MITCHELL OF BIRMINGHAM, ALABAMA'S 1985 EPILEPSY POSTER CHILD.

Also:

H. J. R. 193. CONGRATULATING MR. AND MRS. DORSEY J. POWELL ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

Also:

H. J. R. 194. DECLARING THE WEEK OF APRIL 28-MAY 5, 1985 AS ESTHER BENSON WEEK.

Also:

H. J. R. 197. CONGRATULATING MR. AND MRS. LOUIA LOMAX MOSELEY OF MOODY, SAINT CLAIR COUNTY, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 198. CALLING A JOINT SESSION FOR THE SCHOOL OF FINE ARTS PERFORMANCE.

Also:

H. J. R. 199. COMMENDING THE ETOWAH HIGH SCHOOL VARSITY CHEERLEADERS.

Also:

H. J. R. 202. COMMENDING THE MOBILE COUNTY HIGH SCHOOL WINNERS OF THE MOBILE REGIONAL SCIENCE FAIR.

McDOWELL LEE,
Secretary.

H. 490 TEMPORARILY POSTPONED

On motion of Rep. Holley, the bill, H. 490 as amended and previously temporarily postponed, was again temporarily postponed.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Gaston, Budget Isolation Resolution, H. B. 242, was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blake, Blakeney, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Coleman, Cosby, Crow, Davis, Faulk, Ford, Goodwin, Gray, Grouby, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Junkins, Laird, Lauderdale, Lindsey, McMillan, Marietta, Mathis, Moore, Newman, Newton, Nicholson, Payne, Penry, Poole, Preuitt, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Tanner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—58

S. 273 SUBSTITUTED FOR H. 242

On motion of Rep. Gaston, the bill, S. 273, was substituted for the bill, H. 242.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Gaston, Budget Isolation Resolution, S. B. 273, was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (W), Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Junkins, Laird, Lauderdale, Lindsey, McMillan, Marietta, Mathis, Melton, Mikell, Newman, Nicholson, Payne, Penry, Poole, Preuitt, Rice, Richardson, Rogers, Sasser, Smith, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—63

And the bill:

S. 273. To provide for charges that may be made for bad checks given in payment to lenders of money or extenders of credit and to amend Title

8, Chapter 8, Code of Alabama 1975, therefor; to provide that such charges shall not be deemed interest, finance or other charges that are limited or restricted by law.

Was read a third time at length and passed.

Yeas 76; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Escott, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Mikell, Moore, Newman, Nicholson, Onderdonk, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Smith, Starr, Tanner, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—76

Nay: Rep. McNair.

—1

H. 242 INDEFINITELY POSTPONED

On motion of Rep. Gaston, the bill:

H. 242. To amend Section 13A-9-13.1 of the Criminal Code of Alabama, which relates to the crime of negotiating worthless negotiable instruments, so as to include the presentation or negotiation of a worthless negotiable instrument for the payment or repayment of a valid indebtedness as a crime under said section.

Was indefinitely postponed.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Carothers, Beasley and Mathis:

H. J. R. 205. CONGRATULATING MR. AND MRS. HUEY M. LAMBERT ON THE OCCASION OF THEIR 35TH WEDDING ANNIVERSARY.

WHEREAS, the Legislature of Alabama notes with pleasure the 35th Wedding Anniversary, April 7, 1985, of Mr. and Mrs. Huey M. Lambert of Dothan, Alabama; and

WHEREAS, in the sight of God, Huey M. Lambert and Evelyn M. McCord were joined in wedlock on April 7, 1950, in Andalusia, Alabama, and these two fine people, forsaking all others, have remained in said Holy state for the past 35 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their wedding vows, setting an example to others and to the community where they are held in high esteem; and

WHEREAS, born to this union were Susan C., Edward H., Michael M. and Alva M. Lambert for whom their parents have provided a fine Christian

home and have reared their children in a God-fearing manner and in an atmosphere in which high moral character and love of country prevail; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Dothan, Alabama, Mr. and Mrs. Huey M. Lambert, and wish them many more happy years together in their union blessed by God and their marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be forwarded to Mr. and Mrs. Lambert that they may know of our congratulations and warm best wishes for the future.

On motion of Rep. Carothers, the rules were suspended and the resolution, H. J. R. 205, was adopted.

Also:

By Reps. Carothers, Beasley and Mathis:

H. J. R. 206. COMMENDING AND CONGRATULATING COACH CURT BARNES AND THE ASHFORD HIGH SCHOOL LADY YELLOW JACKETS ON THEIR OUTSTANDING BASKETBALL SEASON.

WHEREAS, the Legislature of Alabama, in highest commendation, congratulates the Ashford High School Lady Yellow Jackets on their outstanding basketball season and as runner-up to the Class 4A State Championship; and

WHEREAS, under the talented direction and leadership of Head Coach Curt Barnes, now in his second year at Ashford, and Assistant Coach Maxine Martin, the Lady Yellow Jackets finished the season with a phenomenal 18-5 record, overall, reflecting the most wins ever by an Ashford girls' team; and

WHEREAS, in further sentiment of praise, it is to be noted that the Ashford High School ladies, of the Wiregrass Athletic Conference, were WAC runner-up, and were Area 4, Region 2 and Sub-state Champions, in addition to their second-place win in the State 4A Tournament; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend, with congratulations, the Ashford High School Lady Yellow Jackets on their outstanding 1984-85 basketball season and direct that copies of this resolution be forwarded to Coach Barnes for appropriate presentation and school display.

On motion of Rep. Carothers, the rules were suspended and the resolution, H. J. R. 206, was adopted.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION TEMPORARILY POSTPONED

On motion of Rep. Parker, the Budget Isolation Resolution relating to H. 312, was temporarily postponed.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Carter, Budget Isolation Resolution, H. B. 342, was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Burke, Butler, Carothers, Clark (J), Coleman, Cosby, Crow, Davis, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Hettinger, Holley, Holmes, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McKee, McMillan, Marietta, Mathis, Mikell, Newman, Newton, Nicholson, Onderdonk, Penry, Poole, Preuitt, Rice, Richardson, Sasser, Smith, Starkey, Starr, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—63

And the bill:

H. 342. To amend Section 9-2-107, Code of Alabama 1975, relating to the State Park Revolving Fund, so as to provide that up to 2% of said fund may be reserved each year for use in major repair and maintenance service of land, buildings, and permanent equipment fixed assets; and capital improvements or alteration to land, buildings, or permanent equipment.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Beers, Black, Blake, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (John), Butler, Carothers, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McKee, McMillan, Marietta, Mathis, Melton, Mikell, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Smith, Starkey, Starr, Thomas, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

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RESOLUTION

The following resolution was introduced:

By Rep. Reed:

H. J. R. 207. EXPRESSING THE LEGISLATURE'S SUPPORT FOR THE CONTINUED FUNDING, BY THE FEDERAL GOVERNMENT, OF THE JOB CORPS PROGRAM.

WHEREAS, the Job Corps Program has served the vital national interest since its inception in 1965, by training and motivating more than two million disadvantaged youngsters to become productive and contributing members of our society; and

WHEREAS, the Tuskegee Job Corps Center has served in the highest national and state interest since its initial funding in 1980 and in subsequent operations; and

WHEREAS, the Tuskegee Job Corps Center has trained and motivated over 1352 youngsters from Alabama and the Southeast region to seek and hold substantial and fulfilling jobs; and

WHEREAS, the Job Corps Program and the Tuskegee Job Corps Center are vital to our efforts towards job training and economic development in Alabama; and

WHEREAS, unemployment among young people is excessively high and a major crisis in employment exists among Alabama's youth; and

WHEREAS, the Alabama Legislature is acutely aware of and concerned about persistent high unemployment among disadvantaged and minority youth; and

WHEREAS, the Tuskegee Job Corps Program has made a substantial contribution to the State of Alabama by injecting more than \$12 million in salaries and expenditures into the Alabama economy; and

WHEREAS, the Tuskegee Job Corps Center has played a substantial role in alleviating unemployment among minority and disadvantaged youth in Alabama in a cost effective and humane manner; and

WHEREAS, the Job Corps Program and its Alabama component, the Tuskegee Job Corps Center, have served in the highest state, regional and national interest; and

WHEREAS, it has been proposed that funding for the Job Corps Program be discontinued, which would result in the loss of an opportunity to serve a substantial portion of our population between the ages of 16 and 21 by providing educational skill training, a vital service of much greater importance than the expenditures involved; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express support for the continued funding of the Job Corps Program by the federal government.

BE IT FURTHER RESOLVED, That the Alabama Legislature deems the continued operation of the Job Corps Program and the Tuskegee Job Corps Center vital to Alabama's efforts toward economic development and job training, and that all reasonable efforts should be made by the federal government to continue to fund this vital program.

On motion of Rep. Reed, the rules were suspended and the resolution, H. J. R. 207, was adopted.

H. 490 AGAIN TAKEN UP

And the bill, H. 490 which was temporarily postponed, was again taken up.

AMENDMENT OFFERED

Rep. Mathis offered the following amendment to the bill, H. 490:

Amend House Bill 490, page 1, immediately following line 29 by inserting a new Section 3 and renumbering remaining sections accordingly. New Section 3 to read as follows:

Section 3. It is the intention of this Legislature to eliminate county supplements for district judges without running afoul of the constitutional

prohibition against decreasing a district judge's salary while in office. All county supplements shall immediately be reduced by an amount up to and including the increase in pay provided for by this act. Future salary increases shall likewise reduce remaining county supplements until county supplements to district judge salaries no longer exist. No future county supplements to district judge salaries shall be implemented by local acts.

MOTION TO TABLE

Rep. Holley offered the motion to table the amendment offered by Rep. Mathis to the bill, H. 490.

SUBSTITUTE MOTION ADOPTED

The substitute motion offered by Rep. Rice that the House adjourn until 10:00 o'clock a.m., Thursday, April 4, 1985, was adopted.

Yeas 44; Nays 43.

Yeas:

Reps. Adams, Albright, Beasley, Biddle, Boles, Bowling, Brakefield, Britnell, Burke, Buskey (James), Butler, Carothers, Carter, Clark (D), Clark (W), Escott, Faulk, Flowers, Ford, Goodwin, Gray, Hammett, Lauderdale, McKee, McMillan, McNair, Martin, Mathis, Melton, Mikell, Newman, Payne, Pratt, Rains, Rice, Richardson, Sasser, Spratt, Starkey, Starr, Trammell, Turner, Venable, and White (G).

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Nays:

Mr. Speaker, Black, Blake, Blakeney, Box, Brooks, Bryant, Buskey (John), Clark (J), Coburn, Cosby, Crow, Davis, Fuller, Gaston, Grayson, Grouby, Hall, Harper, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lindsey, Marietta, Nicholson, Onderdonk, Penry, Poole, Preuitt, Reed, Rogers, Smith, Thomas, Warren, White (F), White (L) and Zoghby.

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CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:20 P.M. on April 2, 1985.

H. J. R. 139

H. J. R. 161

H. J. R. 162

Delivered to the Governor at 3:00 P.M. on April 2, 1985.

H. 42

H. 43

H. 107
H. 109
H. 315
H. 408
H. J. R. 185

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On substitute motion of Rep. Rice, the House adjourned until 10:00 o'clock a.m., Thursday, April 4, 1985.

SIXTEENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, April 4, 1985

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Chuck Conner, First Southern Baptist Church, Hope Hull, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fifteenth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark (J), the reading at length of the Journal of the House for the fifteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fifteenth legislative day was approved.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 590. To create the Pollution Control Grant Fund and authorize the Alabama Department of Environmental Management to make grants in accordance with any terms or stipulations attached to moneys deposited into the fund or to make grants to any county, municipality or public corporation, agency or instrumentality from such fund for the purpose of pollution control, abatement or prevention and to adopt rules and regulations to carry out the provisions of this Act.

JIMMY CLARK,
Chairman.

And the bill, H. 590 as engrossed, was ordered sent to the Senate.

H. 867 RECOMMITTED

On motion of Rep. Holley, the Speaker recommitted the bill, H. 867, to the Standing Committee on State Administration.

LEAVE OF ABSENCE

At the request of Rep. Bachus, leave of absence was granted to Rep. Seibels, due to illness.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 68. To amend Section 41-16-50 and Section 41-16-57, Code of Alabama 1975, relating to the expenditure of public funds for leases and related to the expenditure of public funds awarding lease purchase contracts; to establish an effective date.

McDOWELL LEE,
Secretary.

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 140. (With Amendment): To provide preferential treatment towards admission to any medical research program for any disease deemed crippling or fatal, because of the lack of a known cure, for any sworn full time, regular employed state, county or municipal police officer or fire fighter.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 201. To amend section 17-6-13 of the Code of Alabama 1975, relating to compensation of election officers, so as to increase the returning officer's compensation.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 202. (With Amendment): Amending Sections 16-36-7 and 16-36-27 of the Code of Alabama, 1975, so as to allow State adoption and purchase of educational materials for children enrolled in the public kindergartens of the State.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 204. To amend Section 36-7-40 of the Code of Alabama 1975 so as to further provide for the reimbursement of state employees for moving expenses.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 222. (With Amendment): To create the Commission on Engineering Education; to provide for the appointment, terms, powers and duties of its members; to provide for the purpose of the commission; to prescribe that recommendations shall be made to the Legislature; to prescribe that members shall not receive any compensation but shall be reimbursed certain actual and necessary expenses incident to their official business; to make an appropriation from the special educational trust fund for the current fiscal year and each fiscal year thereafter; and to provide for the conduct of the affairs of the commission.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 436. To amend Section 12-17-61, Code of Alabama 1975, so as to provide that Houston County shall have two resident district court judges;

to provide for the establishment and creation of said additional judgeship; to provide for the appointment of the first judge to fill said judgeship; to provide for the powers, duties and responsibilities of said additional judgeship; to provide for the salary of said judgeship; to provide an appropriation to the unified judicial system for the maintenance of said judgeship; and, to provide an effective date.

H. 491. To create an additional judgeship for the twenty-first judicial circuit of Alabama; to provide for the election of the first judge and of subsequent judges to fill this judgeship; to prescribe the jurisdiction, powers, authority, qualifications, duties and compensation of such judge; to render such judge liable to all the pains and penalties of other circuit judges in the state; and to amend further section 12-17-20, Code of Alabama 1975, relating to the number of circuit judges in each circuit, so as to increase the number of judges in the twenty-first circuit to two.

H. 564. To establish the Department of Corrections Agricultural Revolving Fund, to provide for its initial funding and to provide for its operation.

H. 612. To amend §12-18-110 of the Code of Alabama 1975 to provide for the purchase of withdrawn or terminated service in the Teachers' Retirement System of Alabama or the Employees' Retirement System of Alabama by members of the Judicial Retirement Fund and to provide credit therefor under the Judicial Retirement Fund. To provide a method of calculation for the cost of service purchased under this act and to provide a time limitation for service purchased under this act.

H. 668. To amend Section 14-1-14, Code of Alabama 1975, relating to the Corrections revolving fund, so as to increase said fund.

H. 683. To amend Section 32-7-39, Code of Alabama 1975, which relates to the expenses of administering the Motor Vehicle Safety-Responsibility Act, so as to delete the limit of \$100,000.00 per annum set in said section.

H. 779. Proposing an amendment to Amendment No. 269 to the Constitution of Alabama of 1901 relating to a special property tax by counties or municipalities for library purposes, so as to provide further for said tax.

The above bill was read a second time at length as required by the Constitution.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 834. (With Amendment): To amend Sections 40-21-53 and 40-21-55 to provide that municipal corporations will also pay the 2.2% utility tax and the additional revenue generated shall be deposited in the general fund.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 837. (With Substitute): This bill amends Section 40-14-41, Code of Alabama 1975, which provides for exclusions and deductions for capital invested in Alabama so as to further provide for deductions by providing additional criteria respecting unemployment.

H. 838. (With Substitute): This bill amends Section 40-14-70, Code of Alabama 1975, which provides for deductions from the total value of shares of corporate stock, so as to further provide for deductions by providing additional criteria respecting unemployment.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 67. To further provide for the sick leave benefits of state employees employed on a wage and hourly basis.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 847. (With Substitute): To amend Section 8-8-10, Code of Alabama 1975, which provides for interest and costs on money judgments, so as to provide further for the rate of interest.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 641. (With Substitute) (With Amendments): To establish evaluation procedures to determine competence of criminal defendants to stand trial, procedures for the trial of the insanity defense, and procedures for the commitment to and release by the Department of Mental Health and Mental Retardation of those found not guilty by reason of insanity.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 685. (With Amendment): To provide that a court of this State may require an obligor to post bond, give security, or give some other guarantee to secure the payment of support.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 820. (With Amendments): To amend Section 13A-14-2, Code of Alabama 1975, which relates to the Sunshine Law, so as to provide for notice of meetings and to increase the penalties for violations.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 799. Relating to sales representatives; requiring written contracts between sales representatives and principals when commissions are involved; requiring the principal to furnish the representative with a signed copy of

the contract; providing for the payment of commissions upon termination of certain agreements; providing for civil damages; providing an effective date.

H. 854. To create and establish the Alabama Mining Academy to be located at Walker State Technical College in Walker County, Alabama, and to provide assistance to the State of Alabama mining industry through education, training and research.

H. 868. To amend Sections 10-2A-192, 10-2A-193, and 10-2A-194 of the Code of Alabama 1975, relating to business organizations so as to provide further for involuntary dissolution of corporations, publication of notice and to provide for venue and service of process.

H. 846. To amend Section 15-13-62 of the Code of Alabama 1975, relating to exoneration of bail by surrender of the defendant, so as to provide further for procedures for arresting such defendants.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 817. To amend Section 40-12-198 of the Code of Alabama 1975, as amended, relating to the marking of vehicles operated by private and for-hire carriers.

H. 829. To amend Section 36-22-63, Code of Alabama 1975, relating to the purchase of prior service credit for participation in the supernumerary sheriff's program, so as to extend the time within which such a purchase may be made.

H. 866. To amend Section 12-19-92, Code of Alabama 1975, which provides for fees of constables, so as to provide further for the fees of the constables in Jefferson County.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 879. To amend Sections 13A-12-1 and 13A-12-2 of the Code of Alabama 1975, which prohibit certain acts on Sunday, so as to provide further for such prohibitions.

H. 532. To prohibit public and private motor vehicle carriers from transporting hazardous or flammable materials through tunnels; to provide for jurisdiction of certain law enforcement officers; and to provide penalties for violations.

Rep. Cosby, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 872. To provide that in an action for personal injury the defendant may introduce evidence of any amount payable as a benefit to the plaintiff as a result of the personal injury pursuant to the United States Social Security Act, any state or federal income disability or workers compensation act, any health insurance sickness or income disability insurance, accident

insurance that provides health benefits or income disability coverage and any contract or agreement of any group, organization, partnership or corporation, to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services, and to provide that the plaintiff may introduce evidence of any amount which the plaintiff has paid or contributed to secure his right to such benefits and to provide that no source of collateral benefits introduced under this sub-section shall recover any amount against the plaintiff nor shall it be subrogated to the rights of the plaintiff against the defendant and to provide that all policies of insurance providing benefits described in this section shall be construed in accordance with this section after the effective date of this act.

Rep. Crow, Chairman of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 415. (With Substitute): To amend Sections 25-9-2, 25-9-7, 25-9-8, 25-9-9, 25-9-10, 25-9-12, 25-9-14, 25-9-15, 25-9-17, 25-9-18, 25-9-20, 25-9-24, 25-9-27, 25-9-29, 25-9-40, 25-9-60, 25-9-61, 25-9-80, 25-9-82, 25-9-83, 25-9-84, 25-9-88, 25-9-89, 25-9-90, 25-9-110, 25-9-111, 25-9-131, 25-9-150, 25-9-152, 25-9-171, 25-9-174, 25-9-191, 25-9-210, 25-9-230, 25-9-231, 25-9-250, 25-9-251, 25-9-252, 25-9-271, 25-9-272, 25-9-361 and 25-9-365, Code of Alabama 1975, relating to coal mine safety, so as to provide further for the regulations regarding the duties of mine inspectors, mine examination reports, accompanying of inspectors on inspections by representatives of miners, certificates of competency for fire bosses and mine foremen, the composition of the board of examiners so as to certify competency for fire bosses and mine foremen, the examination fees, the qualifications for fire boss; provides a penalty for uttering false statements on applications for certificates of competency; provides for suspension, cancellation or revocation of certificates of competency, the qualifications of mine foremen in underground mines, the schedule of mine inspections; provides a penalty for failure to report and correct unsafe conditions, for the possession of controlled substances in or around the mines, the use of protective clothing; provides further for accidents and disasters, for mine gases and ventilation, for explosives and blasting, for underground fire prevention and control, electrical equipment, roof support, hoisting and haulage, operation and maintenance of machinery, surface structures and practices, surface mining operations, sinking of bald shafts, and for enforcement of the provisions of this act.

Rep. Grayson, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 78. To provide a "State Black Archives, Research Center and Museum" at Alabama Agricultural and Mechanical University; creating a repository of source materials on Afro-American history and culture and providing authority to receive available funds.

S. 141. To provide that any local city or county board of education be allowed to shorten the minimum number of school days up to a maximum of five days because schools were closed due to a natural disaster and to provide that no school shall lose any funds and that no teachers or employees shall lose any pay due to the provisions of this Act.

Rep. Smith, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following

bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 865. To provide for a supplemental appropriation to the Department of Agriculture and Industries from the agricultural fund for the period ending September 30, 1985, in the amount of \$400,000.

S. 155. To amend Section 2-3A-2 of the Code of Alabama 1975 relating to the types of agricultural facilities permitted to be financed by the Alabama Agricultural Development Authority so as to permit the Authority to finance facilities for the treating, processing or storing of agricultural commodities without regard to whether such activities are customarily engaged in by farmers as a part of farming.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 741. To amend Sections 28-3A-2 and 28-3A-25, Code of Alabama 1975, which provide for the Alcoholic Beverage Licensing Code, so as to provide further for the Sunday sale of alcoholic beverages in resort areas.

H. 762. To amend Section 9-8-22 of the Code of Alabama 1975, which establishes the State soil and water conservation committee, so as to change the geographical areas of the state from which certain members are appointed.

H. 763. To create the Alabama Turkey Hunters Hall of Fame Board and Museum; to prescribe its purposes, membership and location; to provide for the appointment of its members and for the holding of meetings.

H. 792. To further define flotation device under certain circumstances for certain sailboarders or wind surfers, any law, rule or regulation to the contrary notwithstanding.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 174. (With Amendments): Requiring counties and municipalities to adopt plans for hereafter electing members of their respective governing bodies from single member districts no later than January 1, 1986.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 407. Relating to Calhoun County; to authorize and make provision for the incorporation in the City of Oxford of the Oxford Downtown Development Authority for the purpose of promoting trade and commerce by inducing commercial enterprises to upgrade, improve, modernize, and expand existing facilities and to locate new facilities in the central business district of Oxford; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of such Authority, its board of directors, and its officers; to authorize such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish

land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith whether or not now existing, suitable for use by any commercial enterprise, provided that such property shall be located wholly within the Downtown Development Area established by ordinance of the city council; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to authorize the Authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state or local governments or allow them to use facilities or services of the Authority; to make loans to persons or entities for the costs of a project on such security and with such terms and conditions as the Authority deems appropriate; to provide for the employment by any such Authority of such officers, employees, contractors, consultants and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to require payments in lieu of taxes to be made to the Authority or the City; to receive the proceeds of municipal taxes levied for the Authority's purposes; to promote revitalization of the Downtown Development Area and make plans and proposals therefor; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state except for state ad valorem taxes; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, except for state sales and use taxes, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular

the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; to give the Authority the power of eminent domain; and to authorize political subdivisions, agencies, instrumentalities and public corporations of the state to aid the Authority with loans or grants of money, the furnishing of services or the transfer of property to the Authority without any public election; and to require the treasurer to obtain a fidelity bond equal to the amount of any public funds held by the Authority.

S. 408. Relating to Calhoun County; to authorize and make provision for the incorporation in the City of Anniston of the Anniston Downtown Development Authority for the purpose of promoting trade and commerce by inducing commercial enterprises to upgrade, improve, modernize, and expand existing facilities and to locate new facilities in the central business district of Anniston; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of such Authority, its board of directors, and its officers; to authorize such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith whether or not now existing, suitable for use by any commercial enterprise, provided that such property shall be located wholly within the Downtown Development Area established by ordinance of the city council; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to authorize the Authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state or local governments or allow them to use facilities or services of the Authority; to make loans to persons or entities for the costs of a project on such security and with such terms and conditions as the Authority deems appropriate; to provide for the employment by any such Authority of such officers, employees, contractors, consultants and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to require payments in lieu of taxes to be made to the Authority or the City; to receive the proceeds of municipal taxes levied for the Authority's purposes; to promote revitalization of the Downtown Development Area and make plans and proposals therefor; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such

Authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state except for state ad valorem taxes; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, except for state sales and use taxes, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; to give the Authority the power of eminent domain; and to authorize political subdivisions, agencies, instrumentalities and public corporations of the state to aid the Authority with loans or grants of money, the furnishing of services or the transfer of property to the Authority without any public election; and to require the treasurer to obtain a fidelity bond equal to the amount of any public funds held by the Authority.

S. 409. Relating to Calhoun County; to provide for the mailing address of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

S. 410. Relating to the City of Oxford in Calhoun County; amending further Act No. 963, S. 1177, 1975 Regular Session (Acts 1975, p. 1996), which provides for a civil service system for the city, so as to provide further for compensation of the board members and the chairman of the board; and to provide for an applicant's examination fee.

S. 428. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Hobson City in Calhoun County.

H. 731. Relating to Lee County; providing a supplement to the salary of each court reporter, payable from the county treasury.

H. 732. Relating to the Board of Registrars of Lee County; providing further for additional compensation for members of such board, payable from the county general fund.

H. 754. Relating to Sumter County; providing supplemental fee allowances for constables; and providing for additional court costs.

H. 777. Proposing an amendment to the Constitution of 1901, relating to additional ad valorem tax in Wilcox County.

The above bill was read a second time at length as required by the Constitution.

H. 780. Relating to the second judicial circuit; granting law enforcement authority to the investigators of the district attorney's office and the district attorney shall have the authority to have the investigators and other employees of his office to assist him in the presence of the grand jury except when said jury is deliberating.

H. 782. Relating to St. Clair County; abolishing the office of constable in such county.

H. 805. Relating to selling and redeeming lands for taxes in Cleburne County, Alabama; and providing for an effective date.

H. 821. To provide for supplemental expense allowances for the district attorney of the 36th judicial circuit and the district judge of Lawrence County.

H. 830. Relating to Lawrence County; providing a certain expense allowance for the county superintendent of education.

H. 839. Relating to Shelby County; prohibiting any incorporated municipality located outside of the boundaries of Shelby County from annexing any territory in said county without prior referendum approval of a majority of the qualified electors of said county and providing for such referendum elections.

H. 841. Relating to Pickens County; to authorize the county board of education to provide for the substitution of other books or texts for the textbooks on the list of state-approved or state-adopted textbooks for use in the schools of the county.

H. 842. Relating to Tallapoosa County; providing an expense allowance for members of the county board of education; prescribing the manner of payment; and providing for an effective date.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 843. (With Amendment): Relating to Tallapoosa County; to create a license-issuing division within the tax collector's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; the issuance of licenses by the tax collector's office; and to transfer certain duties now performed by the tax assessor and probate judge to said office.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following

bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 851. Relating to Lauderdale County; to provide for an advisory referendum election as to the question of whether the qualified electors of Lauderdale County favor the Lauderdale County Commission having a full-time commission chairman; and to provide for notice of the election.

H. 852. Relating to Marshall County; to amend Section 23, of Act No. 633, H. 1248, 1976 Regular Session of the Alabama Legislature (1976 Acts, p. 870), entitled, "An Act Relating to Marshall County; abolishing the Commission on Government and Finance of Marshall County and creating in lieu thereof the Marshall County Commission; providing for the election of the members of the commission, prescribing their qualifications, terms, and compensation; providing for the organization, powers, duties, jurisdiction and function of the commission and the authority and duty of its members," so as to provide further for the powers, duties, jurisdiction and function of the Marshall County Commission.

H. 853. Relating to Marshall County; creating the Marshall County Commission Reapportionment Study Committee.

H. 861. To propose an amendment to the Constitution of Alabama of 1901, so as to authorize Pike County to establish local ad valorem tax rates on certain motor vehicles whether for governing bodies or entities within the county.

The above bill was read a second time at length as required by the Constitution.

Rep. Albright, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 703. Relating to Madison County; providing for an increase in county ad valorem taxes on certain properties in those areas of the county that are served by the county board of education upon referendum approval of such increase by the qualified electors in such areas and providing that such additional revenues shall be used for county school purposes.

H. 704. Relating to Madison County; providing that the Madison County Commission shall be authorized to levy sales and use taxes generally paralleling the state sales and use taxes with the same and additional exemptions and exclusions; providing that such taxes shall be levied in the areas of the county served by the Madison County School System; and providing for the collection of the revenue from said taxes and the distribution of same.

H. 859. Relating to Madison County, authorizing municipalities to fund group insurance plans for retired municipal employees.

H. 631. Relating to Madison County; providing further for costs and charges in the circuit and district courts of said county in all cases wherein a defendant or juvenile is charged with a violation of the Alabama Uniform Controlled Substances Act; providing for the use of the monies to be derived therefrom and placing certain restrictions thereon.

S. 422. Relating to Madison County; authorizing the license commissioner to issue boat licenses by mail and to allow an additional issuance fee to cover the expense of mailing such licenses.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 208. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That immediately upon adoption of this resolution, the following bills, along with Budget Isolation Resolutions pertinent thereto and attached hereto, shall be made the special, paramount and continuing order of business beginning on the 16th Legislative Day of the 1985 Regular Session, Thursday, April 4, 1985, taking precedence over any other business of the House and continuing on subsequent days until such time as said resolutions and bills are disposed of:

<u>Bill No.</u>	<u>Sponsor</u>	<u>Short Title</u>	<u>Page</u>
H. 331.	Coburn	Education Budget	111
H. 361	Brakefield	Walker County Junior College	112
H. 452	Coburn	Talladega College	112
H. 453	White (L)	Lyman Ward	113
H. 462	Bryant	Marion Military Institute	113
H. 471	Reed	Tuskegee Institute	114
H. 115	Campbell	Eminent Scholar	114
H. 788	Coburn	Teacher Pay Raise	111

On motion of Rep. Clark (J), the resolution, H. R. 208, was adopted.

MOTION TO ADJOURN ADOPTED

The motion offered by Rep. Johnson (Roy) that when the House adjourns today, it adjourns to meet again at 1:00 o'clock p.m., Tuesday, April 9, 1985, was adopted.

RECESS

On motion of Rep. Johnson (Roy), the House stood in recess to the call of the Chair.

JOINT SESSION

The Senate and House of Representatives of the Legislature of Alabama met in joint session in the Hall of the House of Representatives pursuant to the resolution, H. J. R. 198 heretofore adopted, for the purpose of attending a performance given by the School of Fine Arts.

The joint session was called to order by Honorable Bill Baxley, Lieutenant Governor and Presiding Officer of the Senate.

The Lieutenant Governor and Presiding Officer of the Senate announced that the purpose of the joint session having been accomplished, the Senate would retire to its Chamber.

The Speaker of the House then called the House to order.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Penry, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 209. IN SUPPORT OF THE ALABAMA FOUNDATION FOR EDUCATIONAL EXCELLENCE.

WHEREAS, the public schools of our state are vital to the economic well-being of our citizens and the future development of our state; and

WHEREAS, the public schools and business and industry have mutual interests in a relationship of close cooperation which will result in well-educated and skilled workers to productively occupy the work places in Alabama; and

WHEREAS, there are many individual instances when the business and industrial community has shown its cooperative spirit by providing selective financial assistance to some of our public schools to meet special educational needs which otherwise would go unmet; and

WHEREAS, because of the need for a formalized process for securing funds from private sources for distribution to deserving public school programs and special projects, there has been created the Alabama Fund for Educational Excellence which shall serve as such a vehicle; and

WHEREAS, this Foundation has as its primary objectives the encouragement of innovative programs, projects and ideas developed by Alabama educators for the improvement of the educational opportunities for the youth of our state; and

WHEREAS, this Foundation has the support of some of Alabama's most outstanding and distinguished citizens who are giving of their time and resources in the establishment of the Foundation;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we enthusiastically commend those responsible for the organization of the Alabama Foundation for Educational Excellence and do hereby extend our endorsement and support of the objectives of the Foundation.

On motion of Rep. Penry, the rules were suspended and the resolution, H. J. R. 209, was adopted.

Also:

By Rep. Hall:

H. R. 210. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. B. 704 OF THE 1985 REGULAR SESSION.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we do respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinions of the following important Constitutional question which has arisen concerning the pending H. B. 704 of the 1985 Regular Session, which bill authorizes the Madison County Commission to levy a sales and use tax in the county, excluding the city of Huntsville within the county. Copies of said bill are attached to this resolution and made a part hereof by reference.

1. If H. B. 704 is enacted, would it be held unconstitutional in light of the fact that the Madison County delegation of six members has five who reside in the City of Huntsville and only one who lives in the county, and that approximately 72% of the county's electors reside in Huntsville?

RESOLVED FURTHER, That the Clerk of the House is hereby directed to send sufficient copies of the pending H. B. 704, with attachments, to the Clerk of the Supreme Court of Alabama and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

On motion of Rep. Hall, the rules were suspended and the resolution, H. R. 210, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Turnham:

H. R. 211. COMMENDING DR. JAMES ALLEN PITTMAN, JR., OF BIRMINGHAM, ALABAMA.

Also:

The following resolutions were introduced:

By Rep. Rains:

H. R. 212. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO S. B. 263.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinion on the following constitutional question which has arisen concerning the pending bill, S. B. 263, a copy of which is attached to this resolution and made a part hereof by reference:

1. Does S. B. 263 conflict with Article 4, Sections 104 (14) and 105 of the Constitution of Alabama 1901?

RESOLVED FURTHER, That the Clerk of the House is hereby directed to send five true copies of the pending bill, S. B. 263, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

On motion of Rep. Rains the rules were suspended and the resolution, H. R. 212, was adopted.

Also:

By Rep. Onderdonk:

H. J. R. 213. COMMEMORATING THE BICENTENNIAL OF THE BIRTH OF JOHN J. AUDUBON.

WHEREAS, in April 1785, John James Audubon was born in Les Cayes on the island of Santo Domingo; he was the son of a French naval officer, was educated in a military academy in France and was later under the tutelage of the famous French painter, John Louis David; and

WHEREAS, John Audubon came to America at the age of 18, settling on a family farm in Pennsylvania where he devoted himself to the study of natural history and, most particularly, to his drawings of American birds; and

WHEREAS, following the failure of two small business ventures, John Audubon made a decision to make, as his lifework, the painting of American birds, a commitment that gave impetus to his destiny as the world's greatest contributor to the art of painting birds and to ornithology; and

WHEREAS, John J. Audubon is undeniably America's most renowned naturalist whose scientific studies included, among numerous, the earliest known practice of bird banding, a procedure that was to provide invaluable knowledge and understanding of bird behavior; and

WHEREAS, through his prolific drawings and published works, John Audubon left a precious legacy to students and devotees of American natural history and art, and, in befitting tribute to his accomplishments, it is both appropriate and desirable that the American people acknowledge their gratitude for his attainment, and for his treasures, through recognition of the bicentennial of his birth; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commemorate, through commendation, the bicentennial of the birth of John James Audubon, paying tribute to both the man and the artist of incomparable genius in his field.

On motion of Rep. Onderdonk, the rules were suspended and the resolution, H. J. R. 213, was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

H. 331 TEMPORARILY POSTPONED

On motion of Rep. Coburn, the bill, H. 331 and pending substitute reported by the Standing Committee on Ways and Means, was temporarily postponed.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Coburn, Budget Isolation Resolution, H. B. 361, was adopted.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

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REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 140. COMMENDING THE ATHENS STATE BEARS BASKETBALL TEAM.

Also:

H. J. R. 142. COMMENDING ROBERT A. GUTHANS UPON HIS ELECTION AS PRESIDENT OF THE MOBILE AREA CHAMBER OF COMMERCE.

Also:

H. J. R. 143. COMMENDING DR. LEON DAVIS OF THE UNIVERSITY OF MONTEVALLO.

Also:

H. J. R. 145. COMMENDING J. P. "JIMMY" GARVIN, JR., OF ALBERTVILLE, ALABAMA.

Also:

H. J. R. 146. CONGRATULATING MR. AND MRS. U. G. HAYNES ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

Also:

H. J. R. 148. COMMENDING ELZIE GRAY OF ASHBURY, ALABAMA.

Also:

H. J. R. 150. MOURNING THE DEATH OF MISS RUTH INEZ CALLAN OF GADSDEN, ALABAMA.

Also:

H. J. R. 151. MOURNING THE DEATH OF CURTIS MELVIN LOPER OF CHATOM, ALABAMA.

Also:

H. J. R. 156. COMMENDING JOHN J. IRONS, JR., OF MOBILE, ALABAMA, ON HIS DISTINGUISHED EDUCATIONAL CAREER.

Also:

H. J. R. 164. MOURNING THE DEATH OF FORMER WETUMPKA MAYOR, HENRY ELLIS AUSTIN.

Also:

H. J. R. 165. MOURNING THE DEATH OF FORMER LONGTIME DISTRICT JUDGE EDWIN SANFORD OF WETUMPKA, ALABAMA.

Also:

H. J. R. 166. COMMENDING GOVERNOR GEORGE C. WALLACE FOR HIS ESTABLISHMENT OF THE ALABAMA GOVERNOR'S CONFERENCE ON VOLUNTEERISM.

Also:

H. J. R. 173. COMMENDING ARCHIE AND MARY GILBERT MARTIN UPON THEIR GOLDEN WEDDING ANNIVERSARY.

Also:

H. J. R. 174. CONGRATULATING MR. AND MRS. MARION C. RICHEY ON THEIR 52ND WEDDING ANNIVERSARY.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 175. COMMENDING STUART BACHUS OF BIRMINGHAM, ALABAMA.

Also:

H. J. R. 177. MOURNING THE DEATH OF WALTER A. GOOLSBY OF MILLBROOK, ALABAMA.

Also:

H. J. R. 182. PROCLAIMING WEEK OF MAY 5-11, 1985 NATIONAL MENTAL HEALTH COUNSELORS WEEK.

Also:

H. J. R. 188. CREATING THE ALABAMA LEGISLATIVE CONGRESSIONAL ADVISORY COMMITTEE ON THE TEXTILE INDUSTRY.

Also:

H. J. R. 189. COMMENDING PHILLIPS HIGH SCHOOL, BEAR CREEK, ALABAMA, ON THE GIRLS BASKETBALL STATE 1A CHAMPIONSHIP.

Also:

H. J. R. 191. COMMENDING COLLEEN MITCHELL OF BIRMINGHAM, ALABAMA'S 1985 EPILEPSY POSTER CHILD.

Also:

H. J. R. 193. CONGRATULATING MR. AND MRS. DORSEY J. POWELL ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

Also:

H. J. R. 194. DECLARING THE WEEK OF APRIL 28-MAY 5, 1985 AS ESTHER BENSON WEEK.

Also:

H. J. R. 197. CONGRATULATING MR. AND MRS. LOUIA LOMAX MOSELEY OF MOODY, SAINT CLAIR COUNTY, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 198. CALLING A JOINT SESSION FOR THE SCHOOL OF FINE ARTS PERFORMANCE.

Also:

H. J. R. 199. COMMENDING THE ETOWAH HIGH SCHOOL VARSITY CHEERLEADERS.

Also:

H. J. R. 202. COMMENDING THE MOBILE COUNTY HIGH SCHOOL WINNERS OF THE MOBILE REGIONAL SCIENCE FAIR.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed

the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 361 RESUMED

And the bill:

H. 361. To make appropriations for the support and maintenance of the Walker County Junior College for the fiscal year ending September 30, 1986.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—90

Nay: Rep. Brooks.

—1

And the bill:

H. 331. (With Substitute): To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1986.

Was taken up.

SUBSTITUTE OFFERED

Rep. Coburn offered the following substitute to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 331:

A BILL
TO BE ENTITLED
AN ACT

To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1986.

Be It Enacted by the Legislature of Alabama:

SECTION 1. There is hereby appropriated for the support of public education in Alabama for the fiscal year ending September 30, 1986, and for the public debt, to be paid out of funds specified in subsection (a) of

Section 2 of this Act, the amounts specified in Sections 3 to 5, inclusive. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs is shown so as to include estimated sources of funds other than the appropriation made in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ASETF" shall mean the Alabama Special Educational Trust Fund.

SECTION 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and Alabama Special Educational Trust Fund Surplus, Special Mental Health Trust Fund, Alabama Board of Nursing Trust Fund, Alabama Peace Officers' Standards and Training Fund, and Public School Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1986, and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Code of Alabama 1975, Sections 41-4-80 through 41-4-96, inclusive, as amended), the provisions of the Budget Management Act of 1976 (Code of Alabama 1975, Sections 41-19-1 through 41-19-12, inclusive, as amended), and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Trust Funds" and "Appropriation Total" are set forth for the purpose of indicating amounts estimated to be available by programmatic area from sources other than from appropriations made in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for an efficient use of funds available to and hereby appropriated by the Legislature, it being the intention hereof to make appropriations only from the funds referred to in subsection (a) of this Section 2. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

Fund Sources Included
In Appropriation Total

ASETF	Trust Funds	Appropriation Total
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SECTION 3:

A. STATE AGENCIES

1. ACADEMY OF HONOR, ALABAMA:

(a) Historical Resources Management Program	1,100
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SOURCE OF FUNDS:

(1) ASETF - Transfer	1,100
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Total Alabama Academy of Honor	1,100
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2. ARTS AND HUMANITIES,
ALABAMA STATE COUNCIL
ON THE:

(a) Fine Arts Program 1,594,860

Of the above appropriation, \$10,000 is hereby appropriated to the Tennessee Valley Arts Center. The appropriation to the Alabama State Council on the Arts and Humanities shall include a transfer to the State Personnel Department of \$606.

SOURCE OF FUNDS:

(1) ASETF - Transfer	1,000,000		
(2) Federal and Local Funds		594,860	
Total Alabama State Council on the Arts and Humanities	1,000,000	594,860	1,594,860

3. BUILDING COMMISSION,
STATE:

(a) Special Services Program 450,000

SOURCE OF FUNDS:

(1) ASETF - Transfer	450,000		
Total State Building Commission	450,000		450,000

4. BURNED-OUT SCHOOLS
AND FACILITY REPAIR:

(a) Financial Assistance Program 2,000,000

The above appropriation is to be distributed as determined by the Alabama Public School and College Authority.

SOURCE OF FUNDS:

(1) ASETF	2,000,000		
Total Burned-Out Schools and Facility Repair	2,000,000		2,000,000

5. CHILDRENS' HOSPITAL OF
BIRMINGHAM:

(a) Administrative Support
Service Program 500,000

SOURCE OF FUNDS:

(1) ASETF	500,000		
Total Childrens Hospital of Birmingham	500,000		500,000

6. DATA SYSTEMS MANAGEMENT DIVISION, DEPARTMENT OF FINANCE - :

(a) Administrative Support Services Program	2,500,000
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This appropriation is to be expended for operation and maintenance of the Super Computer.

SOURCE OF FUNDS:

(1) ASETF	<u>2,500,000</u>	
Total Department of Finance - Data Systems Management Division	<u>2,500,000</u>	<u>2,500,000</u>

7. DEBT SERVICE 649,708

(a) Interest on Endowments:

For interest on University of Montevallo (Alabama College), Endowment, Estimated 34,964

For interest on Auburn University Endowment 20,280

For interest on University of Alabama Endowment 61,000

For interest on Grove Hill Endowment 600

For interest on Public School Fund Endowment:

Interest on 16th Section Lands, Estimated 410,000

Interest on School Indemnity Lands, Estimated 90,000

Interest on Valueless 16th Section Lands 5,825

Interest on Surplus Revenue 26,764

Interest on James Wallace Fund 275

Total Interest on Public School Fund Endowment 532,864

SOURCE OF FUNDS:

(1) ASETF	<u>649,708</u>	
Total Debt Service	<u>649,708</u>	<u>649,708</u>

8. DENTAL SCHOLARSHIP AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program	176,000
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SOURCE OF FUNDS:

(1) ASETF	176,000		
Total Board of Dental Scholarship Awards	176,000		176,000

(To be expended under the provisions of Code of Alabama 1975, Sections 16-47-76 through 16-47-81, inclusive, as amended.)

9. EDUCATION, DEPARTMENT OF:

(a) Administrative Services Program			11,241,475
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Compact for Education	36,500
Leadership and Management	563,000
Operations and Maintenance of Department	2,031,434

SOURCE OF FUNDS:

(1) ASETF	2,630,934		
(2) Federal and Local Funds		8,610,541	
Total Administrative Services Program	2,630,934	8,610,541	11,241,475

The above appropriation shall include a transfer to the State Personnel Department of \$101,850.

(b) Adult Education Program			5,593,580
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Adult Basic Education ..	2,427,260
Community Education	524,000

SOURCE OF FUNDS:

(1) ASETF	2,951,260		
(2) Federal and Local Funds		2,642,320	
Total Adult Education Program ...	2,951,260	2,642,320	5,593,580

(c) Direct Client Services for the Handicapped			50,624,099
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The ASETF monies included in the above program are to be distributed by the Department of Education as follows:

Crippled Children Services Program	6,050,000
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Handicapped Recreation Program 200,000

(To provide recreation and services at a year-round accredited handicapped recreation facility.)

Hemophilia Program 306,000

Homebound Program 3,750,000

Rehabilitation Services

Program 7,800,000

(Of the above appropriation to Rehabilitation Services Program, \$250,000 shall be used for the Deaf Support Service Program.)

SOURCE OF FUNDS:

(1) ASETF	18,106,000		
(2) Federal and Local Funds		<u>32,518,099</u>	
Total Direct Client Services for the Handicapped	<u>18,106,000</u>	<u>32,518,099</u>	<u>50,624,099</u>
(d) Emergency Medical Services Education Program			1,900,000

The ASETF monies included in the above program are to be distributed by the Department of Education as follows:

- (1) Birmingham Regional Emergency Medical System . 316,667
- (2) East Alabama Emergency Medical Services, Inc. 316,667
- (3) North Alabama Emergency Medical Services, Inc. .. 316,667
- (4) Southeast Alabama Emergency Medical Services System, Inc. 316,667
- (5) Southwest Alabama Emergency Medical Services Council, Inc. 316,666
- (6) West Alabama Emergency Medical Services, Inc. 316,666

The amounts herein appropriated shall be used for the operation and maintenance of the various medical services programs named and for the purchase of instructional supplies and new instructional equipment for such programs.

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SOURCE OF FUNDS:

(1) ASETF	<u>1,900,000</u>	
Total Emergency Medical Services Education Program	<u>1,900,000</u>	<u>1,900,000</u>
(e) Financial Assistance Program		204,601,549

The proposed spending plan for the
ASETf monies included in the
above program is as follows:

Elementary Teachers Scholar-
ships 25,000

(To be paid in accordance with Code
of Alabama 1975, Section 16-23-
17, as amended.)

SOURCE OF FUNDS:

(1) ASETF	25,000		
(2) Federal and Local Funds		<u>204,576,549</u>	
Total Financial Assistance Pro- gram	<u>25,000</u>	<u>204,576,549</u>	<u>204,601,549</u>

(f) Instructional Technical Assis- tance Program			10,476,459
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The proposed spending plan for the
ASETf monies included in the
above program is as follows:

Basic Skills Program 1,065,464

Career Education 175,000

Early Childhood/Kindergarten
Administration 110,000

Instructional Technical Assis-
tance 1,920,441

Special Education Adminis-
tration 450,000

Vocational Education Administra-
tion 2,386,000

Of the above appropriation,
\$1,500,000 is intended to be a
one-time appropriation to replace
federal funds for one year only to
allow the Department time to
phase-out the federal program.

SOURCE OF FUNDS:

(1) ASETF	6,106,905	
(2) Federal and Local Funds		<u>4,369,554</u>

Total Instructional Technical Assistance Program	6,106,905	4,369,554	10,476,459
(g) Local Agency Support Program			24,924,161
The proposed spending plan for the ASETF monies included in the above program is as follows:			
Advanced Placement	1,500,000		
Career Ladder Evaluators	3,900,000		
(Selection to be approved by State Superintendent of Education)			
Driver Education, School Bus Driver Training and Vehicle Safety Inspection	280,000		
Free Textbooks	13,676,470		
Guidance and Counseling	200,000		
Operations and Maintenance	448,953		
School Attendance	81,260		
School Facilities and Architectural Services	210,000		
Testing	1,625,000		
Evaluation Instrument Development	500,000		
Training of Evaluators	500,000		
SOURCE OF FUNDS:			
(1) ASETF	22,921,683		
(2) Federal and Local Funds		2,002,478	
Total Local Agency Support Program	22,921,683	2,002,478	24,924,161
(h) Regulation Program			2,055,372
The proposed spending plan for the ASETF monies included in the above program is as follows:			
Operations and Maintenance	344,250		
Teacher Certification and Accreditation	433,105		
Undergraduate/Graduate Program Approval	282,000		
SOURCE OF FUNDS:			
(1) ASETF	1,059,355		

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(2) Federal and Local Funds	996,017		
Total Regulation Program	1,059,355	996,017	2,055,372

(i) Support of Other Educational Activities Program			9,300
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Education of Dependents of Blind Parents 9,300

SOURCE OF FUNDS:

(1) ASETF	9,300		
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Total Support of Other Educational Activities Program	9,300		9,300
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For reimbursement of every State Institution of Higher Learning, College, University, or Technical College or Junior College in which benefits are given to dependents of blind parents under the provisions of Code of Alabama 1975, Sections 16-33-1 through 16-33-12, inclusive, as amended.

(j) Support of State Universities Program			50,000
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SOURCE OF FUNDS:

(1) Federal and Local Funds	50,000		
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Total Support of State Universities Program	50,000		50,000
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(k) Projects-Vocational Rehabilitation/Crippled Children Services Program			876,795
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Of the above appropriation, \$20,000 of the ASETF monies included therein is hereby appropriated for the Eye Injury Register.

SOURCE OF FUNDS:

(1) ASETF	20,000		
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(2) Federal and Local Funds	856,795		
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Total Projects-Vocational Rehabilitation/Crippled Children Services Program	20,000	856,795	876,795
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(1) Disability Determination for Social Security Program			19,247,541
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SOURCE OF FUNDS:

(1) Federal and Local Funds	19,247,541		
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Total Disability Determination for Social Security Program	19,247,541	19,247,541
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TOTAL DEPARTMENT OF ED-
UCATION:

SOURCE OF FUNDS:

(1) ASETF	55,730,437		
(2) Federal and Local Funds		275,869,894	
GRAND TOTAL DEPARTMENT OF EDUCATION	55,730,437	275,869,894	331,600,331

10. EDUCATION, STATE BOARD
OF - MINIMUM PROGRAM
AND PUBLIC SCHOOL FUND:

(a) Financial Assistance Program	616,501,267
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SOURCE OF FUNDS:

(1) ASETF	575,824,782		
(2) Public School Fund		36,000,000	
(3) Local Funds		4,676,485	
Total Minimum Program, Public School Fund and Local Funds ..	575,824,782	40,676,485	616,501,267

The above appropriation shall be paid in accordance with Code of Alabama 1975, Sections 16-13-50 through 16-13-59, inclusive, as amended, and all other legislation pertaining thereto.

The appropriation hereinabove set out for the fiscal year 1985-86 is based on 22,586 teacher units. It is provided in the event that there are more than 22,586 earned teacher units for the fiscal year 1985-86, then such amounts necessary to pay for these excess teacher units are hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above, then the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid.

In allocating the funds in subsection (a) the State Board of Education shall allot as follows:

For "Board of Adjustment" awards in accordance with the Minimum Program statutes and regulations an amount not to exceed \$150,000.

For "Salaries" the amount shall not exceed a total of \$471,654,370. The State Board of Education shall distribute the number of teacher units based on the Salary Allotment by Rank provided below; provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$22,812	3,156	\$ 71,994,672
I	21,359	13,874	296,334,766
II	18,597	5,556	103,324,932

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III	15,658	0	0
IV	13,598	<u>0</u>	<u>0</u>
		22,586	\$471,654,370

For "Principal Supplement" an amount not to exceed the total of \$2,258,600.

For "Other Current Expense" an amount not to exceed \$3,779.59 for each earned teacher unit but the total shall not exceed the sum of \$85,365,820. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$65 for each earned teacher unit but the total shall not exceed the sum of \$1,468,090.

The above appropriation contained in subsection (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of \$55,604,387.

**11. EDUCATION, STATE BOARD
OF - LOCAL BOARDS:**

(a) Financial Assistance Program 457,806,450

SOURCE OF FUNDS:

(1) ASETF 457,806,450

Total State Board of Education - Local Boards	<u>457,806,450</u>	<u>457,806,450</u>
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To be distributed by the State Board
of Education for:

(1) Teachers' Sick
Leave 4,687,933

Of the appropriation hereinabove made for Teachers' Sick Leave, the rate of not more than \$20.50 per day is hereby appropriated. It is the intent of the Legislature that the rate of local supplements paid by each school system for teachers' sick leave for the 1984-85 fiscal year be continued at that rate through the 1985-86 fiscal year.

The above appropriation shall be in addition to any local supplements paid for teachers' sick leave within a system.

(2) Support Personnel Sick
Leave 1,912,862

Of the appropriation hereinabove made for support personnel sick leave in accordance with Code of Alabama 1975, Section 16-1-18, as amended, the rate of not more than \$17 per day is hereby appropriated.

(3) Teachers' Personal
Leave 1,174,409

The appropriation hereinabove made for Teachers' Personal Leave provides for two (2) days personal leave at \$20.50 per day per teacher unit for each teacher employed (except ECIA Chapter 1 and 2 teachers). It is the intent of the Legislature that the rate of local supplements paid by each school system for teachers' personal leave for the 1984-85 fiscal year be continued at that rate through the 1985-86 fiscal year.

The above appropriation shall be in addition to any local supplements paid for teachers' personal leave within a system.

(4) Funds to Replace

Fees 10,597,125

Of the appropriation hereinabove made for Funds to Replace Fees there is hereby appropriated two hundred seventy-five dollars (\$275) per teacher unit for grades K-12 for all teachers employed (except ECIA Chapter 1 and 2 teachers).

(5) Maintenance 5,968,104

(6) Continuation of funds previously granted for Special Education 26,157,285

Of the appropriation hereinabove made, \$500,000 shall be allocated to the Chauncey Sparks Center for Developmental and Learning Disorders.

(7) Special Schools for Special Education 2,618,000

To be distributed by the State Board of Education as follows:

\$350,000 shall be allocated to the Tuscaloosa Regional Handicapped School; \$50,000 shall be allocated to the Regional Center for Handicapped Children in Pickens County; \$450,000 shall be allocated to the Southwest Alabama School for Deaf and Blind; \$275,000 shall be allocated to the Vivian B. Adams School; \$25,000 shall be allocated to the Butler County Training School for the Mentally Retarded in Greenville, Alabama; \$25,000 shall be allocated to the Hope Haven School in Colbert County; \$25,000 shall be allocated to the Jasper Shriner School; \$25,000 shall be allocated to the Montgomery Institute of Neurological Development in Montgomery, Alabama; \$35,000 shall be allocated to the Birmingham Training Center for Brain-Injured Children in Birmingham, Alabama; \$75,000 shall be allocated to Project Independence in Coffee County, Alabama; \$50,000 shall be allocated to the Houston County Board of Education for the Vaughn-Blumberg Center for the Developmentally Disabled; \$43,000 to Auburn University Preschool for Multi-handicapped Children; \$75,000 to the Alice Pigman School; \$75,000 to the Montgomery County Board of Education for the purpose of establishing a pilot program for deaf students in Public Schools; \$300,000 shall be allocated to the McInnis School in Montgomery, Alabama; \$100,000 shall be allocated to the Special Education School in Vinemont in Cullman County; \$50,000 shall be allocated to the Geneva County Day Care and Training Center; \$150,000 shall be allocated to the Dothan City Board of Education for a pilot program for gifted children; \$30,000 shall be allocated to the Houston County Board of Education for a pilot program for gifted children; \$25,000 shall be allocated to Cullman City Special Education Program; \$75,000 shall be allocated to the Cleveland School for the Handicapped; \$50,000 shall be allocated to the Dallas County Day Care and Training Center; \$50,000 shall be allocated to Calhoun County Community - "EDUCATION PAR EXCELLENCE"; \$25,000 shall be allocated to the North Talladega County Association for Retarded Citizens, Inc.; \$25,000 shall be allocated to the South Talladega County Association for Retarded Citizens, Inc.; \$15,000 shall be allocated to the ECHO FOUNDATION; \$145,000 to the Alabama Institute for Deaf and Blind to implement the purposes of Code of Alabama 1975, Sections 16-39-3, as amended, and P.L. 94-142.

(8) Kindergarten teacher
units 58,857,958

The above appropriation is for 2,404 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed a total of \$49,615,564. The State Board of Education shall distribute the number of teacher units based on Salary Allotments as provided in the Minimum Program; provided, however, the total amount for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$22,812	196	\$ 4,471,152
I	21,359	1,478	31,568,602
II	18,597	<u>730</u>	<u>13,575,810</u>
		2,404	\$49,615,564

For "Other Current Expense" an amount not to exceed \$3,779.59 for each earned teacher unit but the total shall not exceed the sum of \$9,086,134. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$65 for each earned teacher unit but the total shall not exceed the sum of \$156,260.

Of the above appropriation for Kindergarten Teacher Units, nine (9) units shall be allocated to the Alabama Institute for Deaf and Blind for the Preschool Deaf and Blind Program.

It is the intent of the Legislature to fully fund a statewide kindergarten program at the ratio of twenty (20) students in average daily attendance for the first four (4) months to one (1) teacher unit. In the event less than 2,404 teacher units are earned for the fiscal year 1985-86, then such amount shall not be allotted or paid. In the event more than 2,404 teacher units are earned for the fiscal year 1985-86, then such amounts necessary to pay for these excess teacher units are hereby appropriated.

(9) Continuation of Teacher Units
to reduce pupil-teacher ratio in
grades 1-6 16,065,660

The above appropriation is for 650 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed \$13,566,676. The State Board of Education shall distribute the number of teacher units based on Salary Allotments as provided in the Minimum Program; provided, however, the total amount for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$22,812	90	\$ 2,053,080
I	21,359	398	8,500,882
II	18,597	<u>162</u>	<u>3,012,714</u>
		650	\$13,566,676

For "Other Current Expense" an amount not to exceed \$3,779.59 for each earned teacher unit but the total shall not exceed the sum of \$2,456,734. It is the intent of the Legislature that all lunchroom workers' salaries be

fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$65 for each earned teacher unit but the total shall not exceed the sum of \$42,250.

(10) Teacher Units to Reduce Pupil-
Teacher Ratio in
Grade 1 2,719,616

The above appropriation is for 110 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed a total of \$2,296,711. The State Board of Education shall distribute the number of teacher units based on Salary Allotments as provided in the Minimum Program; provided, however, the total amount for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$22,812	15	\$ 342,180
I	21,359	68	1,452,412
II	18,597	<u>27</u>	<u>502,119</u>
		110	\$2,296,711

For "Other Current Expense" an amount not to exceed \$3,779.59 for each earned teacher unit but the total shall not exceed the sum of \$415,755. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$65 for each earned teacher unit but the total shall not exceed the sum of \$7,150.

(11) Supportive Teacher
Units 42,275,425

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen (15) units or fraction thereof earned on regular units in the Minimum Program, Kindergarten Teacher Units in (8), and Continuation Teacher Units in (9).

The above appropriation is for 1,709 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed \$35,705,021. The State Board of Education shall distribute the number of teacher units based on Salary Allotments as provided in the Minimum Program; provided, however, the total amount for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$22,812	240	\$ 5,474,880
I	21,359	1,054	22,512,386
II	18,597	<u>415</u>	<u>7,717,755</u>
		1,709	\$35,705,021

For "Other Current Expense" an amount not to exceed \$3,779.59 for each earned teacher unit but the total shall not exceed the sum of \$6,459,319. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$65 for each earned teacher unit but the total shall not exceed the sum of \$111,085.

(12) Special Education Teacher
Units 86,284,023

The above appropriation is for 3,430 teacher units and includes salaries, other current expense, capital improvements and transportation at the following rates:

For "Salaries" the sum shall not exceed \$72,249,079. The State Board of Education shall distribute the number of teacher units based on Salary Allotments as provided in the Minimum Program; provided, however, the total amount for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$22,812	345	\$ 7,870,140
I	21,359	2,537	54,187,783
II	18,597	<u>548</u>	<u>10,191,156</u>
		3,430	\$72,249,079

For "Other Current Expense" an amount not to exceed \$3,779.59 for each earned teacher unit but the total shall not exceed the sum of \$12,963,994. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$65 for each earned teacher unit but the total shall not exceed the sum of \$222,950.

For "Transportation" the total shall not exceed \$848,000.

(13) Driver Education Teacher
Units 7,224,414

The above appropriation is for 290 driver education units or other teacher units as approved by the local Board of Education and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed \$6,109,483. The State Board of Education shall distribute the number of teacher units based on Salary Allotments as provided in the Minimum Program; provided however, the total amount for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$22,812	33	\$ 752,796
I	21,359	209	4,464,031
II	18,597	<u>48</u>	<u>892,656</u>
		290	\$6,109,483

For "Other Current Expense" an amount not to exceed \$3,779.59 for each earned teacher unit but the total shall not exceed the sum of \$1,096,081. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$65 for each earned teacher unit but the total shall not exceed the sum of \$18,850.

(14) Vocational

Education 75,137,375

The appropriation hereinabove for Vocational Education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon the recommendation of the State Superintendent. Of the \$74,637,375, \$1,344,187 shall be allocated for handicapped students in Vocational Education and \$1,097,892 shall be allocated for disadvantaged students in Vocational Education.

(15) Youth Services Department

District 1,389,772

The above appropriation shall be expended by the Youth Services Department District in a manner consistent with the funding formula cooperatively established by the Youth Services Board and the State Board of Education pursuant to the provisions of Code of Alabama 1975, Sections 44-1-70 through 44-1-77, inclusive, as amended.

(16) Teachers' Free

Time 3,500,000

To be distributed by the State Board of Education to all local boards of education and the Alabama Institute for Deaf and Blind on the basis of average daily attendance for the preceding school year to employ teacher aides so as to provide each teacher employed a minimum of thirty minutes of time free of instructional or supervisory responsibilities each teaching day.

(17) Career Ladder Salary In-

creases for Tenured Teachers (Es-
timated) 55,904,144

To be distributed by the State Board of Education to the boards of all school districts to provide an additional salary allotment of ten percent of those allotments specified under the Minimum Program for fiscal year 1984-85 for all state-funded teacher units meeting criteria established by the Governor's Educational Reform Commission and the State Board of Education.

(18) Support Personnel Salary In-

crease (Estimated) ... 21,710,500

In addition to all salary now received and all local increments due for the 1985-86 school year, all full-time employees of all local boards of education and all full-time employees in the schools under their jurisdiction with the exception of those persons listed on the official Teachers' Institute List shall receive a salary increase of not less than one thousand dollars (\$1,000.00) per annum for nine months' employment. Full-time support personnel shall be defined as those support personnel working a minimum of 20 hours per week. Those support personnel working less than a minimum of 20 hours per week shall receive pro rata increases based on the percentage of full-time work as defined above. All adult school bus drivers shall receive a salary increase of not less than one thousand dollars (\$1,000.00) per annum and all student bus drivers shall receive a salary increase of not less than four hundred fifty dollars (\$450.00) per annum and all boards of education failing to comply herewith shall not be entitled to share in the Minimum Program Fund.

(19) Salary Increase for Locally-
Funded Teacher

Units 6,000,000

The above appropriation is a one-time appropriation to the State Board

of Education to be distributed to the local boards of education to help defray the cost of the salary increase for locally-funded teachers. It is the intent of the Legislature that this appropriation be distributed to local boards of education for teachers employed from local funds as of January 1, 1985. It is not the intent that this appropriation be used to fund locally-funded teachers employed after January 1, 1985. It is the intent of the Legislature that this appropriation be a one-time appropriation to help defray costs associated with implementation of Phase I of the Career Ladder Incentive Program.

(20) School Buses 12,288,745

To be distributed based upon a procedure to be determined by the State Board of Education. In addition to the above appropriation of \$12,288,745, there is hereby appropriated the sum of \$7,711,255 to be conditional upon the availability of funds in the ASETF and upon approval of the Governor.

(21) Library Enhancement

(K-12) 6,000,000

To be distributed based upon a procedure to be determined by the State Board of Education.

(22) Math, Computer Instructional
and Science Equip-
ment 2,000,000

To be distributed based upon a procedure to be determined by the State Board of Education.

(23) Vocational Education Equip-
ment 3,000,000

To be distributed based upon a procedure to be determined by the State Board of Education.

(24) Deferred Maintenance 4,333,100

To be distributed based upon a procedure to be determined by the State Board of Education.

12. EDUCATION, STATE BOARD
OF JUNIOR COLLEGE SYS-
TEM:

(a) Operations and Maintenance ..	60,858,167	20,455,182	81,313,349
(b) High Technology Equipment ..	200,000		200,000
(c) Library Enhancement	232,796		232,796
(d) Auxiliary Enterprises		6,782,113	6,782,113
(e) Restricted Funds		15,914,931	15,914,931
(f) Equipment	2,000,000		2,000,000
(g) Faculty and Staff Develop- ment	810,720		810,720
(h) Facility Renewal	1,986,227		1,986,227

SOURCE OF FUNDS:

(1) ASETF	66,087,910		
(2) Other Funds		<u>43,152,226</u>	
Total State Board of Education - Junior College System	<u>66,087,910</u>	<u>43,152,226</u>	<u>109,240,136</u>

(1) The Operations and Maintenance appropriation above of \$60,858,167 to the State Board of Education for the Junior College System is to be distributed to the Junior Colleges listed herein on the following formula:

(a) Junior Colleges with credit-producing programs in Alabama Correctional Institutions shall be reimbursed for tuition that is waived but the total amount reimbursed shall not exceed the sum of \$166,529.

(b) The sum of \$200,000 to each Junior College.

(c) The remainder of the appropriation is to be allotted to each Junior College in accordance with its percentage of the total credit hours attempted for the summer quarter of the school year 1983-84 and the fall, winter and spring quarters of the school year 1984-85 by all the Junior Colleges listed in this appropriation, provided, however, the nursing and allied health credit hours will be funded on a cost basis based upon the summer quarter of the school year 1983-84 and the fall, winter, and spring quarters of the school year 1984-85 in accordance with the number of quarter hours attempted within the departments. However, only major allied health courses will be funded; related courses will be funded the same as non-health programs. Continuing education unit hours shall be excluded from the computations herein required. The above appropriation is to be distributed to the following Junior Colleges:

(1) Alexander City State Junior College; (2) S.D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George C. Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College; (20) George C. Wallace Community College at Hanceville; (21) Shelton State Community College.

(2) The High Technology Equipment appropriation above of \$200,000 to the State Board of Education for the Junior College System is to be distributed to the Junior Colleges listed above in (1c) on a needs basis as determined by the Chancellor of the Postsecondary Education System.

(3) The Library Enhancement appropriation above of \$232,796 to the State Board of Education for the Junior College System is to be distributed to the Junior Colleges listed above in (1c) on a fall quarter 1985-86 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings and video tapes.

(4) The Equipment appropriation above of \$2,000,000 to the State Board of Education for the Junior College System is to be distributed to the Junior Colleges listed above in (1c) by the following formula:

(a) The sum of \$1,500,000 shall be allotted based on fall quarter 1985-86 full-time equivalent student enrollment.

(b) The remainder of the appropriation is to be allotted on a needs basis as determined by the Chancellor of the Postsecondary Education System.

(5) The Facility Renewal appropriation above of \$1,986,227 to the State Board of Education for the Junior College System is to be distributed as follows:

a) Alexander City State Junior College	104,318
b) S. D. Bishop State Junior College	114,496
c) Brewer State Junior College	45,746
d) John C. Calhoun State Community College	134,354
e) Chattahoochee Valley Community College	21,621
f) Jefferson Davis State Junior College	50,666
g) Enterprise State Junior College	73,597
h) James H. Faulkner State Junior College	73,066
i) Gadsden State Junior College	188,044
j) Patrick Henry State Junior College	43,300
k) Jefferson State Junior College	236,694
l) Theodore A. Lawson State Community College	82,308
m) Northeast Alabama State Junior College	92,431
n) Northwest Alabama State Junior College	233,122
o) Snead State Junior College	105,588
p) Southern Union State Junior College	90,366
q) George C. Wallace State Community College (Selma)	32,669
r) George C. Wallace State Community College (Dothan)	84,129
s) Lurleen B. Wallace State Junior College	38,825
t) George C. Wallace Community College (Hanceville)	27,464
u) Shelton State Community College	113,423

13. EDUCATION, STATE BOARD
OF - TECHNICAL COLLEGE
SYSTEM:

(a) Operations and Maintenance ..	49,798,277	14,506,806	64,305,083
(b) High Technology Equipment ..	200,000		200,000
(c) Library Enhancement	120,488		120,488
(d) Auxiliary Enterprises		5,246,114	5,246,114
(e) Restricted Funds		6,241,237	6,241,237
(f) Equipment	2,000,000		2,000,000

(g) Faculty and Staff Development	689,280	689,280
(h) Facility Renewal	<u>977,627</u>	<u>977,627</u>

SOURCE OF FUNDS:

(1) ASETF	53,785,672		
(2) Other Funds		<u>25,994,157</u>	
Total State Board of Education - Technical College System	<u>53,785,672</u>	<u>25,994,157</u>	<u>79,779,829</u>

(1) The Operations and Maintenance appropriation above of \$49,798,277 to the State Board of Education for the Technical College System is to be distributed to the Technical Colleges listed herein as follows:

(a) Technical Colleges with programs generating contact hours at Alabama Correctional Institutions shall be reimbursed for tuition that is waived but the total amount reimbursed shall not exceed the sum of \$480,625.

(b) The remainder of the appropriation is to be allotted to each Technical College in accordance with a formula adopted by the State Board of Education. The formula for a given program may not differ between Colleges. The application of the formula shall be standard for all Colleges. The application of the formula shall be standard for all Colleges. The following Colleges shall receive the distribution as provided hereinabove:

(1) Atmore State Technical College; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College - Technical Division; (7) Carver State Technical College; (8) J. F. Drake State Technical College; (9) Gadsden State Technical College; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Technical College; (12) Theodore A. Lawson State Community College - Technical Division; (13) Douglas McArthur State Technical College; (14) Muscle Shoals State Technical College; (15) Northwest Alabama State Technical College; (16) N. F. Nunnolley State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncy Sparks State Technical College; (23) Council Trenholm State Technical College; (24) C. A. Fredd State Technical College; (25) Walker State Technical College; (26) George C. Wallace State Community College - Technical Division (Selma); (27) George C. Wallace State Community College - Technical Division (Dothan); (28) George C. Wallace State Community College - Technical Division (Hanceville).

(2) The High Technology Equipment appropriation above of \$200,000 to the State Board of Education for the Technical College System is to be distributed to the Technical Colleges listed in (1b) above on a needs basis as determined by the Chancellor of the Postsecondary Education System.

(3) The Library Enhancement appropriation above of \$120,488 to the State Board of Education for the Technical College System is to be distributed to the Technical Colleges listed above in (1b) on a fall quarter 1985-86 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings and video tapes.

(4) The Equipment appropriation above of \$2,000,000 to the State Board of Education for the Technical College System is to be distributed to the Technical Colleges listed above in (1b) on the following formula:

a) The sum of \$1,500,000 shall be allotted based on fall quarter 1985-86 full-time equivalent student enrollment.

b) The remainder of the appropriation is to be allotted on a needs basis as determined by the Chancellor of the Postsecondary Education System.

(5) The Facility Renewal appropriation above of \$977,627 to the State Board of Education for the Technical College System is to be distributed as follows:

a) Atmore State Technical College	8,709
b) Alabama Aviation and Technical College	33,424
c) Alabama Technical College	66,712
d) Harry M. Ayers State Technical College	28,073
e) Bessemer State Technical College	64,015
f) John C. Calhoun State Community College - Technical Division	57,800
g) Carver State Technical College	22,503
h) J. F. Drake State Technical College	35,049
i) Gadsden State Technical College	33,984
j) Richmond P. Hobson State Technical College	36,405
k) J. F. Ingram State Technical College	10,224
l) Theodore A. Lawson State Community College - Technical Division	55,454
m) Douglas McArthur State Technical College	33,617
n) Muscle Shoals State Technical College	18,933
o) Northwest Alabama State Technical College	36,326
p) N. F. Nunnellely State Technical College	29,444
q) Opelika State Technical College	38,399
r) John M. Patterson State Technical College	50,373
s) Ed. E. Reid State Technical College	13,457
t) Shelton State Technical College	27,862
u) Southwest State Technical College	43,596
v) Chauncey Sparks State Technical College	11,176
w) Council Trenholm State Technical College	17,794
x) C. A. Fredd State Technical College	29,959
y) Walker State Technical College	45,446
z) George C. Wallace State Community College - Technical Division (Selma)	36,941
aa) George C. Wallace State Community College - Technical Division (Dothan)	64,488
bb) George C. Wallace State Community College - Technical Division (Hanceville)	27,464

14. GADSDEN STATE JUNIOR
COLLEGE:

(a) Technical Assistance Pro- gram	300,000
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For establishment of an Office of Technical Assistance at Gadsden State Junior College whose primary function will be to coordinate, plan, and implement all activities relating to the proposed merger and consolidation of Gadsden State Junior College, Alabama Technical College, and Gadsden State Technical Institute, as adopted by the State Board of Education.

SOURCE OF FUNDS:

(1) ASETF	<u>300,000</u>	
Total Gadsden State Junior College	<u>300,000</u>	<u>300,000</u>

15. PRISON EDUCATION -
POSTSECONDARY EDUCA-
TION DEPARTMENT:

(a) Technical Assistance Pro- gram	2,000,000
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The above appropriation is to be used for the purchase of equipment and the expansion of prison education in newly opened facilities.

SOURCE OF FUNDS:

(1) ASETF	<u>2,000,000</u>	
Total Prison Education Program - Postsecondary Education Depart- ment	<u>2,000,000</u>	<u>2,000,000</u>

16. ENVIRONMENTAL MAN-
AGEMENT, DEPARTMENT
OF:

(a) Special Projects Program	1,350,000
(b) Agricultural and Small System Sewage Research Program	280,360

SOURCE OF FUNDS:

(1) ASETF - Transfer	<u>1,630,360</u>	
Total Department of Environmen- tal Management	<u>1,630,360</u>	<u>1,630,360</u>

17. EXAMINERS OF PUBLIC
ACCOUNTS:

(a) Legislative Support - Audit Services Program	3,000,000
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For purposes of auditing all phases of public education.

SOURCE OF FUNDS:

(1) ASETF - Transfer	<u>3,000,000</u>	
Total Examiners of Public Accounts	<u>3,000,000</u>	<u>3,000,000</u>

18. FINE ARTS, ALABAMA
SCHOOL OF:

(a) Fine Arts Program		1,156,194
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SOURCE OF FUNDS:

(1) ASETF	975,000		
(2) Federal and Local Funds		<u>181,194</u>	
Total Alabama School of Fine Arts	<u>975,000</u>	<u>181,194</u>	<u>1,156,194</u>

19. FIRE COLLEGE, ALABAMA
STATE - SHELTON STATE
COMMUNITY COLLEGE:

(a) Postsecondary Two-Year Insti- tutions Program			699,405
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SOURCE OF FUNDS:

(1) ASETF	486,000		
(2) Federal and Local Funds		<u>213,405</u>	
Total Alabama State Fire College - Shelton State Community College	<u>486,000</u>	<u>213,405</u>	<u>699,405</u>

20. FIREFIGHTERS' PERSON-
NEL STANDARDS AND ED-
UCATION COMMISSION,
ALABAMA:

(a) Professional and Occupational Licensing and Regulation Pro- gram			154,000
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The appropriation to the Alabama
Firefighters' Personnel Standards
and Education Commission shall
include a transfer to the State
Personnel Department of \$202.

SOURCE OF FUNDS:

(1) ASETF - Transfer	<u>154,000</u>		
Total Alabama Firefighters' Person- nel Standards and Education Commission	<u>154,000</u>		<u>154,000</u>

21. GOVERNOR'S EDUCATION
PROGRAM, STATE BOARD OF
EDUCATION -:

(a) Financial Assistance Program			12,809,140
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For the enhancement of educational opportunities in math, science, language arts, and computer education including but not limited to the purchase of equipment, the hiring of temporary, adjunct teaching personnel, and the support of studies of public education in Alabama. Said programs are to be implemented by the State Board of Education at the direction of and with the approval of the Governor.

SOURCE OF FUNDS:

(1) ASETF 12,809,140

Total State Board of Education - Governor's Education Program	<u>12,809,140</u>	<u>12,809,140</u>
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22. GOVERNOR'S EDUCATIONAL REFORM COMMISSION:

(a) Instructional Technical Assistance Program	600,000
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The proposed spending plan for the above is as follows:

Operations and Maintenance	100,000
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In-Service Education Centers	500,000
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SOURCE OF FUNDS:

(1) ASETF 600,000

Total Governor's Educational Reform Commission	<u>600,000</u>	<u>600,000</u>
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23. HEALTH, DEPARTMENT OF PUBLIC:

(a) Health Support Services Program	3,048,306
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Of the above appropriation, \$1,048,306 shall be expended for the continuation of the programs in Public School Food Sanitation and Primary Preventive Health Education.

(b) Personal Health Improvement Program	1,585,836
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The above appropriation shall be expended for continuation of the programs for immunization of preschool children and students and dental health.

(c) Perinatal Health Program	1,965,858
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The above appropriation shall be expended only for the continuation of a perinatal program whose expenditure guidelines shall be developed in conjunction with the perinatal Advisory Committee of the State Committee on Public Health. Such guidelines shall be comprehensive enough to serve as a statewide perinatal plan in meeting federal matching requirements.

SOURCE OF FUNDS:

ASETF - Transfer	<u>6,600,000</u>	
Total Department of Public Health	<u>6,600,000</u>	<u>6,600,000</u>

24. HEALTH INSURANCE
BOARD, PUBLIC EDUCATION
EMPLOYEES':

(a) Administrative Support Services Program 84,000,000

(1) Of the above appropriation, \$49,000,000 shall be expended for Hospital/Medical or Dental Insurance Assistance for professional employees, full-time support employees and adult school bus drivers for grades K-14 paid from State or local funds and retired employees eligible under the provisions of Code of Alabama 1975, Section 16-25A-17. Full-time support employees shall be defined as those support employees working a minimum of 20 hours per week. The appropriation shall be allocated according to the provisions of Code of Alabama 1975, Section 16-25A-17. It is estimated that the allocation will provide the sum of five hundred fifty-two dollars (\$552) per annum per professional employee, full time support employee, and adult school bus driver for grades K-14 and three hundred forty-eight dollars (\$348) per annum for each eligible retired employee.

(2) Of the above appropriation, \$35,000,000 is to be invested and reinvested and used for the sole purpose of funding the necessary reserve as determined by claims experience.

SOURCE OF FUNDS:

(1) ASETF	<u>84,000,000</u>	
Total Public Education Employees' Health Insurance Board	<u>84,000,000</u>	<u>84,000,000</u>

25. HEALTH INSURANCE,
STATE EMPLOYEES':

(a) Employee Benefits Program, Estimated 2,016,000

SOURCE OF FUNDS:

(1) ASETF	<u>2,016,000</u>	
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Total State Employees' Health Insurance, Estimated	2,016,000	2,016,000
26. HIGHER EDUCATION, ALABAMA COMMISSION ON:		
(a) Planning & Coordination Services Program		2,012,898
The proposed spending plan for the ASETF monies included in the above program is as follows:		
Operations and Maintenance	1,114,969	
Southern Regional Education Board (SREB)	304,054	
Program Evaluation	278,875	
Research Enhancement Program	280,000	
(b) Student Financial Aid Program		10,211,544
The proposed spending plan for the ASETF monies included in the above program is as follows:		
(1) Alabama Student Grant Program	3,490,000	
To be expended in accordance with Code of Alabama 1975, Sections 16-33A-1 through 16-33A-11, inclusive, as amended.		
(2) Alabama National Guard Educational Assistance	225,000	
To be expended in accordance with Code of Alabama 1975, Sections 31-10-1 through 31-10-4, inclusive, as amended.		
(3) Emergency Secondary Education Scholarships	1,145,944	
To be expended in accordance with Code of Alabama 1975, Sections 16-23-18 through 16-23-23, inclusive, as amended.		
(4) Chiropractic Scholarships	50,000	
To be expended under the provisions of Code of Alabama 1975, Section 16-5-11, as amended.		
(c) Support of Other Educational Activities Program		900,000

The proposed spending plan for the
ASETF monies included in the
above program is as follows:

Network of Alabama Academic Li-
braries (NAAL) 900,000

SOURCE OF FUNDS:

(1) ASETF	7,788,842		
(2) Federal and Local Funds		<u>5,335,600</u>	
Total Alabama Commission on Higher Education	<u>7,788,842</u>	<u>5,335,600</u>	<u>13,124,442</u>

27. INDUSTRIAL DEVELOP-
MENT TRAINING INSTI-
TUTE, ALABAMA:

(a) Industrial Training Program ..	2,167,000		2,167,000
(b) Business/Economic Develop- ment Coordination Program	350,000	10,468	360,468

SOURCE OF FUNDS:

(1) ASETF	2,517,000		
(2) Other Funds		<u>10,468</u>	
Total Alabama Industrial Develop- ment Training Institute	<u>2,517,000</u>	<u>10,468</u>	<u>2,527,468</u>

In addition, there is hereby appro-
priated to the Industrial Training
Program the sum of \$5,000,000
to be conditional upon the avail-
ability of funds in the ASETF
and approval of the Governor.

28. LAW INSTITUTE, ALA-
BAMA:

(a) Support of Other Educational Activities Program			277,210
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SOURCE OF FUNDS:

(1) ASETF	<u>277,210</u>		
Total Alabama Law Institute	<u>277,210</u>		<u>277,210</u>

29. LEGISLATURE:

(a) Legislative Operations and Sup- port Program			3,400,000
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SOURCE OF FUNDS:

(1) ASETF - Transfer	<u>3,400,000</u>		
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Total Legislature	<u>3,400,000</u>		<u>3,400,000</u>
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The above appropriation shall be expended under the provisions set forth in Code of Alabama 1975, Section 29-1-22.

30. LIBRARY SERVICE, ALABAMA PUBLIC:

(a) Public Library Service Program			7,176,049
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(b) Capital Outlay - Roof Replacement			50,000
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The appropriation to the Public Library Service shall include a transfer to the State Personnel Department of \$5,135.

SOURCE OF FUNDS:

(1) ASETF	5,673,375		
(2) Federal and Local Funds		<u>1,552,674</u>	

Total Alabama Public Library Service	<u>5,673,375</u>	<u>1,552,674</u>	<u>7,226,049</u>
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31. MARINE ENVIRONMENTAL SCIENCES CONSORTIUM:

(a) Support of Other Educational Activities Program			1,035,000
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SOURCE OF FUNDS:

(1) ASETF	830,000		
(2) Federal and Local Funds		<u>205,000</u>	

Total Marine Environmental Sciences Consortium	<u>830,000</u>	<u>205,000</u>	<u>1,035,000</u>
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32. MEDICAL SCHOLARSHIPS AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program			677,000
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SOURCE OF FUNDS:

(1) ASETF	<u>677,000</u>		
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Total Board of Medical Scholarship Awards	<u>677,000</u>		<u>677,000</u>
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To be expended under the provisions Code of Alabama 1975, Sections 16-47-121 through 16-47-129, inclusive, as amended.

33. NURSING, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program			914,000
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The appropriation to the Alabama Board of Nursing shall include a transfer to the State Personnel Department of \$1,092.

SOURCE OF FUNDS:

(1) ASETF - Transfer - as provided in <u>Code of Alabama 1975</u> , Sections 34-21-60 through 34-21-63, inclusive, as amended	57,000		
(2) Alabama Board of Nursing Trust Fund - as provided in <u>Code of Alabama 1975</u> , Sections 34-21-1 through 34-21-43, inclusive, as amended		857,000	
Total Alabama Board of Nursing	57,000	857,000	914,000

34. OPTOMETRIC SCHOLARSHIP AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program	125,000
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SOURCE OF FUNDS:

(1) ASETF	125,000	
Total Board of Optometric Scholarship Awards	125,000	125,000

To be expended under the provisions of the Code of Alabama 1975, Sections 34-22-60 through 34-22-65.

35. PEACE OFFICERS' STANDARDS AND TRAINING COMMISSION, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program	217,000
(b) Certified Law Enforcement Academy Program	731,000

Of the above appropriation for the Certified Law Enforcement Academy Program, \$431,000 of the ASETF monies included therein shall be expended as follows:

Jacksonville State University	122,000
University of Alabama	122,000
James H. Faulkner Jr. College	122,000

Troy State University - Montgomery 65,000

Total 431,000

The appropriation to the Alabama Peace Officers' Standards and Training Commission shall include a transfer to the State Personnel Department of \$445.

SOURCE OF FUNDS:

(1) ASETF 648,000

(2) Alabama Peace Officers' Standards and Training Fund - as provided in Code of Alabama 1975, Sections 36-21-40 through 36-21-50, inclusive, as amended 300,000

Total Alabama Peace Officers' Standards and Training Commission	<u>648,000</u>	<u>300,000</u>	<u>948,000</u>
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36. PHYSICAL FITNESS, COMMISSION ON:

(a) Advisory Services Program 198,000

The appropriation to the Commission on Physical Fitness shall include a transfer to the State Personnel Department of \$485.

SOURCE OF FUNDS:

(1) ASETF 198,000

Total Commission on Physical Fitness	<u>198,000</u>	<u>198,000</u>
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37. POSTSECONDARY EDUCATION DEPARTMENT:

(a) Postsecondary Two-Year Institutions Program 1,698,010

The proposed spending plan for the ASETF monies included in the above program is as follows:

Chancellor's Office Operations 942,000

Program Planning and Enhancement 150,000

Displaced Homemaker's Program 150,000

SOURCE OF FUNDS:

(1) ASETF 1,242,000

(2) Federal and Local Funds	<u>456,010</u>
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Total Postsecondary Education Department	<u>1,242,000</u>	<u>456,010</u>	<u>1,698,010</u>
38. PUBLIC SCHOOL AND COLLEGE AUTHORITY, ALABAMA:			
(a) Financial Assistance Program			14,815,114
SOURCE OF FUNDS:			
(1) ASETF	<u>14,815,114</u>		
Total Alabama Public School and College Authority	<u>14,815,114</u>		<u>14,815,114</u>
39. RETIREMENT SYSTEM OF ALABAMA, EMPLOYEES' (ASETF SHARE):			
(a) Retirement Systems Program, Estimated			218,000
SOURCE OF FUNDS:			
(1) ASETF	<u>218,000</u>		
Total Employees' Retirement System of Alabama (ASETF Share)	<u>218,000</u>		<u>218,000</u>
40. RETIREMENT SYSTEM OF ALABAMA, TEACHERS' (ASETF SHARE):			
(a) Retirement Systems Program, Estimated			157,225,000
SOURCE OF FUNDS:			
(1) ASETF - Teachers' Retirement System, Estimated	134,785,000		
(2) ASETF - Teachers' Special Pension Fund, Estimated	<u>22,440,000</u>		
Total Teachers' Retirement System of Alabama (ASETF Share)	<u>157,225,000</u>		<u>157,225,000</u>
41. SMALL BUSINESS DEVELOPMENT CONSORTIUM, ALABAMA:			
(a) Support of Other Educational Activities Program			1,640,000
SOURCE OF FUNDS:			
(1) ASETF	440,000		
(2) Federal and Local Funds		<u>1,200,000</u>	
Total Alabama Small Business Development Consortium	<u>440,000</u>	<u>1,200,000</u>	<u>1,640,000</u>

42. SMALL BUSINESS PRO-
CUREMENT SYSTEM:(a) Support of Other Educational
Activities Program 90,000

SOURCE OF FUNDS:

(1) ASETF 90,000Total Small Business Procurement
System 90,000 90,00043. SOCIAL SECURITY (ASETF
SHARE):(a) For State's share of Social Se-
curity, Estimated 130,217,824

SOURCE OF FUNDS:

(1) ASETF 130,217,824Total Social Security (ASETF
Share) 130,217,824 130,217,82444. TELEPHONE REVOLVING
FUND (ATTNET), DEPART-
MENT OF FINANCE -:(a) Administrative Support Serv-
ices Program, Estimated 5,000,000

SOURCE OF FUNDS:

(1) ASETF 5,000,000Total Department of Finance -
Telephone Revolving Fund
(ATTNET) 5,000,000 5,000,00045. TENURE COMMISSION,
STATE:

(a) Regulation Program 11,000

SOURCE OF FUNDS:

(1) ASETF 11,000Total State Tenure Commission .. 11,000 11,00046. TELEVISION COMMISSION,
EDUCATIONAL:(a) Educational TV Services Pro-
gram 4,512,000(b) Public Radio Services Pro-
gram 324,000The appropriation to the Educa-
tional Television Commission
shall include a transfer to the
State Personnel Department of
\$6,388.

SOURCE OF FUNDS:

(1) ASETF 2,536,000

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(2) Federal and Local Funds	<u>2,300,000</u>		
Total Educational Television Commission	<u>2,536,000</u>	<u>2,300,000</u>	<u>4,836,000</u>

47. TRENHOLM STATE TECHNICAL COLLEGE:

(a) Postsecondary Two-Year Institutions Program			137,500
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The above appropriation is to be expended for paramedic training.

SOURCE OF FUNDS:

(1) ASETF	<u>137,500</u>		
Total Trenholm State Technical College	<u>137,500</u>		<u>137,500</u>

48. UNEMPLOYMENT COMPENSATION - LOCAL BOARDS:

(a) Financial Assistance Program			3,500,000
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SOURCE OF FUNDS:

(1) ASETF, Estimated	<u>3,500,000</u>		
Total Unemployment Compensation - Local Boards	<u>3,500,000</u>		<u>3,500,000</u>

49. VETERANS' AFFAIRS, DEPARTMENT OF:

(a) Administration of Veterans' Affairs Program			2,804,000
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SOURCE OF FUNDS:

(1) ASETF - Transfer	<u>2,804,000</u>		
Total Veterans' Education Benefits	<u>2,804,000</u>		<u>2,804,000</u>

The above appropriation is for Veterans' Education Benefits and includes pro rata administration costs of the Department of Veterans' Affairs and for the reimbursement to every State Institution of Higher Learning, College, University, Junior College, or Technical College, in which benefits are given to Veterans, their wives, widows, or children under the provisions of Code of Alabama 1975, Sections 31-6-1 through 31-6-17, inclusive, as amended.

50. YOUTH SERVICES, DEPARTMENT OF:

(a) Youth Services Program			15,076,252
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Of the above appropriation, \$200,000 shall be used for pilot programs in day treatment.

The appropriation to the Department of Youth Services shall include a transfer to the State Personnel Department of \$27,777.

SOURCE OF FUNDS:

(1) ASETF	11,666,000		
(2) Federal and Local Funds		3,410,252	
Total Department of Youth Services	11,666,000	3,410,252	15,076,252

To be expended in accordance with the provisions of the Code of Alabama 1975, Sections 44-1-1 through 44-1-56, inclusive, as amended.

B. FINANCIAL ASSISTANCE TO
NON-STATE EDUCATIONAL
AGENCIES:1. AMERICAN LEGION AND
AUXILIARY SCHOLARSHIPS:

(a) Support of Other Educational Activities Program	21,600
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SOURCE OF FUNDS:

(1) ASETF	21,600	
Total American Legion and Auxiliary Scholarships	21,600	21,600

To be expended under the provisions of Code of Alabama 1975, Sections 16-31-1 through 16-31-4, inclusive, as amended.

2. COALITION AGAINST DO-
MESTIC VIOLENCE, ALA-
BAMA:

(a) Social Services Program	125,000
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SOURCE OF FUNDS:

(1) ASETF	125,000	
Total Alabama Coalition Against Domestic Violence	125,000	125,000

The above appropriation is to be distributed according to a formula to be determined by the Coalition to the following:

- (1) Safeplace, Inc., Florence;
- (2) Tuscaloosa Spouse Abuse Network, Tuscaloosa;
- (3) Montgomery Area Family Violence Program, Inc., Montgomery;
- (4) Penelope House, Inc., Mobile;

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(5) East Alabama Task Force for
Battered Women, Inc., Auburn;

(6) House of Ruth, Inc., Dothan;

(7) Family Violence Project, Bir-
mingham; and

(8) HOPE Place, Inc., Huntsville.

3. DAR SCHOOL, KATE DUN-
CAN SMITH:

(a) Financial Assistance Program 25,000

SOURCE OF FUNDS:

(1) ASETF 25,000

Total Kate Duncan Smith DAR
School 25,000 25,000

4. DAVIS THEATRE:

(a) Fine Arts Program 100,000

SOURCE OF FUNDS:

(1) ASETF 100,000

Total Davis Theatre 100,000 100,000

5. WALTON THEATRE:

(a) Fine Arts Program 150,000

SOURCE OF FUNDS:

(1) ASETF 150,000

Total Walton Theatre 150,000 150,000

6. EAST ALABAMA CHILD DE-
VELOPMENT CENTER:

(a) Financial Assistance Program 1,100,000

SOURCE OF FUNDS:

(1) ASETF 1,100,000

Total East Alabama Child Devel-
opment Center 1,100,000 1,100,000

7. LIGHTHOUSE, INC.:

(a) Social Services Program 7,000

SOURCE OF FUNDS:

(1) ASETF 7,000

Total Lighthouse, Inc. 7,000 7,000

8. MENTAL HEALTH BOARD
OF BIBB, PICKENS, AND
TUSCALOOSA COUNTIES:

(a) Community Services Program 100,000

SOURCE OF FUNDS:

(1) ASETF 100,000

Total Mental Health Board of Bibb,
Pickens, and Tuscaloosa Coun-
ties

100,000

100,000

9. OPPORTUNITIES INDUS-
TRIALIZATION CENTER,
CENTRAL ALABAMA:(a) Skills Enhancement and Em-
ployment Opportunities Pro-
gram 100,000

SOURCE OF FUNDS:

(1) ASETF 100,000

Total Central Alabama Opportuni-
ties Industrialization Center

100,000

100,000

10. SHAKESPEARE FESTIVAL,
ALABAMA:

(a) Fine Arts Program 750,000

SOURCE OF FUNDS:

(1) ASETF 750,000

Total Alabama Shakespeare Festi-
val

750,000

750,000

11. SYLACAUGA NURSES
TRAINING SCHOOL:(a) Support of Other Educational
Activities Program 84,600

SOURCE OF FUNDS:

(1) ASETF 84,600

Total Sylacauga Nurses Training
School

84,600

84,600

12. BLACK BELT HUMAN RE-
SOURCE DEVELOPMENT
CENTER:(a) Support of Other Educational
Activities Program 25,000

SOURCE OF FUNDS:

(1) ASETF 25,000

Total Black Belt Human Resource
Development Center

25,000

25,000

SECTION 4.

COLLEGES, UNIVERSITIES
AND SCHOOLS

I. BOARD OF TRUSTEES OF
UNIVERSITY OF ALABAMA:

A. The University

1. Operations and Maintenance ...	50,554,107	28,706,800	79,260,907
2. Gadsden Educational Program	218,000	26,250	244,250
3. Center for Emotionally Dis- turbed Children	581,560		581,560
4. Nursing Scholarships	18,000		18,000
5. Advocacy Program for the De- velopmentally Disabled	26,500		26,500
6. Capstone Medical Center	1,164,000	743,866	1,907,866
7. Alabama State Natural History Museum	337,320	65,195	402,515
8. College of Community Health Sciences	2,961,966	216,160	3,178,126
9. Research, Extension and Public Service	6,317,020	285,896	6,602,916
10. School of Mines and Energy Development	1,895,980		1,895,980
11. Emergency Medical Services ..	153,700		153,700
12. Alabama Poison Control Cen- ter	200,000		200,000
13. Rural Infant Stimulation En- vironment Program	204,140		204,140
14. High Risk Nursery	124,000		124,000
15. Safe State Program	455,680		455,680
16. Industrial Management and Manufacturing Technology Pro- gram	4,625,000		4,625,000
17. Computer Research and Devel- opment	750,000		750,000
18. University Research Library ..	1,319,830		1,319,830
19. Auxiliary Enterprises		23,581,419	23,581,419
20. Restricted Funds		17,331,000	17,331,000
21. Deferred Maintenance, Re- search, and Public Service	1,000,000		1,000,000

SOURCE OF FUNDS:

(1) ASETF	72,906,803	
(2) Other Funds		<u>70,956,586</u>

Total University of Alabama	<u>72,906,803</u>	<u>70,956,586</u>	<u>143,863,389</u>
B. University of Alabama in Birmingham			
1. University College	23,366,893	16,987,000	40,353,893
2. Family Practice Residency Programs	1,678,050		1,678,050
The above appropriation shall be expended for residency programs as follows:			
Anniston	263,674		
East End	263,674		
Jefferson County	263,674		
Montgomery	266,830		
Selma	356,524		
Gadsden	263,674		
3. School of Medicine	26,892,942	16,705,000	43,597,942
4. University Hospitals	6,534,729	170,231,756	176,766,485
5. School of Optometry	3,794,610	2,016,449	5,811,059
6. School of Community and Allied Health	3,359,291	1,029,600	4,388,891
7. Regional Technical Institute	2,964,058	350,325	3,314,383
8. Joint Health Sciences	5,065,507	971,700	6,037,207
9. Department of Pediatrics and Children's Hospital	1,258,148		1,258,148
10. Center for Labor Education and Research	333,630		333,630
11. Student Nurses Loans	12,000		12,000
12. Center for Diabetes Research	207,900		207,900
13. Urban Research and Public Service	632,620		632,620
14. School of Dentistry	9,265,044	4,141,700	13,406,744
15. Nursing Scholarships	88,000		88,000
16. System Medical Education Program	527,670		527,670
17. School of Nursing	6,178,108	1,223,915	7,402,023
18. Health Related Research and Public Service	3,047,220		3,047,220
19. Public Health Research Program	150,480		150,480
20. Emergency Medical Service and Training	173,250		173,250
21. Medical Genetics Program	483,526		483,526
22. Hypertension Research	418,770		418,770

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23. Multipurpose Arthritis Center	418,770		418,770
24. School of Engineering and Business	460,350		460,350
25. School of Public Health	3,157,372	422,600	3,579,972
26. Montgomery Internal Medicine Residency	299,057		299,057
27. Center for Industrial and Applied Research	394,000		394,000
28. Center for Cystic Fibrosis Research	89,100		89,100
29. Center for Congenital Heart Disease	89,100		89,100
30. Biomedical Engineering Sciences	328,210		328,210
31. Center for Nuclear Magnetic Resonance Studies	500,000		500,000
32. Dental/Medical Research	150,000		150,000
33. Virology Research	41,000		41,000
34. Special Mental Health		3,608,510	3,608,510
(Of this amount, \$205,094 shall be expended for Psychiatric Research)			
35. Chauncey Sparks Center for Developmental and Learning Disorders		728,515	728,515
36. Neuro-Science Research	250,000		250,000
37. Auxiliary Enterprises		6,240,600	6,240,600
38. Restricted Funds		54,071,800	54,071,800
39. Geriatric Service and Research Program	1,500,000		1,500,000
40. Selma Family Practice Residency Program - Capital Outlay	200,000		200,000
41. Internal Medicine Development	250,000		250,000
42. Deferred Maintenance, Research, and Public Service	1,000,000		1,000,000
43. Research Library Enhancement	728,954		728,954

SOURCE OF FUNDS:

(1) ASETF	106,288,359	
(2) Special Mental Health Trust Fund		4,337,025
(3) Other Funds		<u>274,392,445</u>

Total University of Alabama in Birmingham	<u>106,288,359</u>	<u>278,729,470</u>	<u>385,017,829</u>
C. University of Alabama in Huntsville			
1. Operations and Maintenance ...	13,773,712	8,055,948	21,829,660
2. Nursing Scholarships	18,000		18,000
3. School of Primary Medical Care	3,245,983	400,200	3,646,183
4. Johnson Environmental and Energy Center	407,823	52,828	460,651
5. Ambulatory Care Center	974,000	498,918	1,472,918
6. School of Nursing	1,173,670	275,234	1,448,904
7. Paramedic Training	156,000	31,580	187,580
8. Alabama Solar Energy Center ..	378,067		378,067
9. Center for Management and Economic Research	99,608		99,608
10. Community Medicine Rural Preceptorship Program	34,000		34,000
11. Research Institute	259,502	340,661	600,163
12. Center for Applied Optics	600,000		600,000
13. Developmental Computer Education	175,000		175,000
14. Center for Microgravity Science	500,000		500,000
15. Center for Robotics	350,000		350,000
16. Auxiliary Enterprises		2,090,813	2,090,813
17. Restricted Funds		5,226,908	5,226,908
18. Deferred Maintenance, Research, and Public Service	<u>1,000,000</u>		<u>1,000,000</u>
SOURCE OF FUNDS:			
(1) ASETF	23,145,365		
(2) Other Funds		<u>16,973,090</u>	
Total University of Alabama in Huntsville	<u>23,145,365</u>	<u>16,973,090</u>	<u>40,118,455</u>
II. Board of Trustees of Alabama A & M University			
A. Alabama A & M University			
1. Operations and Maintenance ...	10,872,462	5,635,000	16,507,462
2. Vocational Teacher Training	280,000		280,000
3. Cooperative Extension, Research and Service	420,305		420,305

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4. Auxiliary Enterprises	4,236,176	4,236,176
5. Restricted Funds	8,218,100	8,218,100
6. Special Program Enhancement for Operations and Maintenance	1,214,020	1,214,020
7. Deferred Maintenance, Research, and Public Service	<u>1,700,000</u>	<u>1,700,000</u>

SOURCE OF FUNDS:

(1) ASETF	14,486,787	
(2) Other Funds	<u>18,089,276</u>	
Total Alabama A & M University	<u>14,486,787</u>	<u>18,089,276</u>
		<u>32,576,063</u>

III. Board of Trustees of Alabama State University

A. Alabama State University

1. Operations and Maintenance ...	9,677,774	5,180,440	14,858,214
2. Educational Radio Station	200,000		200,000
3. Public Services Program	100,000		100,000
4. Educational Enhancement	1,500,000		1,500,000
5. Auxiliary Enterprises		4,674,090	4,674,090
6. Restricted Funds		6,971,860	6,971,860
7. Special Program Enhancement for Operations and Maintenance	1,214,020		1,214,020
8. Deferred Maintenance, Research, and Public Service	<u>1,700,000</u>		<u>1,700,000</u>

SOURCE OF FUNDS:

(1) ASETF	14,391,794	
(2) Other Funds	<u>16,826,390</u>	
Total Alabama State University ...	<u>14,391,794</u>	<u>16,826,390</u>
		<u>31,218,184</u>

IV. State Board of Education

A. Athens State College

1. Operations and Maintenance ...	2,641,476	1,034,624	3,676,100
2. Auxiliary Enterprises		246,366	246,366
3. Restricted Funds		129,979	129,979
4. Special Program Enhancement for Operations and Maintenance	146,285		146,285
5. Deferred Maintenance, Research, and Public Service	<u>536,043</u>		<u>536,043</u>

SOURCE OF FUNDS:

(1) ASETF	3,323,804	
(2) Other Funds	<u>1,410,969</u>	
Total Athens State College	<u>3,323,804</u>	<u>1,410,969</u>
		<u>4,734,773</u>

V. Board of Trustees of Auburn
University

A. Auburn University

1. Operations and Maintenance ...	55,624,530	35,048,102	90,672,632
2. Educational Television	409,697		409,697
3. Center for Vocational and Adult Education	581,845		581,845
4. Clinical Psychology	128,006		128,006
5. Ralph Draughon Library	839,452		839,452
6. Engineering Experiment Sta- tion	1,240,121		1,240,121
7. Public Service, Research and Ex- tension	609,929		609,929
8. Energy Research	299,950		299,950
9. Food Animal Health and Dis- eases Research	371,000		371,000
10. Veterinary Teaching Hospital and Clinic	300,000		300,000
11. Truman Pierce Institute for the Advancement of Teacher Edu- cation	100,000		100,000
12. Forestry Program	175,000		175,000
13. Nursing Scholarships	18,000		18,000
14. Advanced Manufacturing Tech- nology Center	500,000		500,000
15. Development of Genetic Engi- neering Applications	500,000		500,000
16. Pulp and Paper Research Cen- ter	590,000		590,000
17. International Commerce and Industrial Development Center	410,000		410,000
18. Architecture and Industrial De- sign	250,000		250,000
19. School of Veterinary Medi- cine	7,640,321		7,640,321
20. Textile Engineering Depart- ment	230,000		230,000
21. Auxiliary Enterprises		25,296,916	25,296,916
22. Restricted Funds		13,765,500	13,765,500
23. Highway Research Center	400,000		400,000
24. Equipment	100,000		100,000
25. Deferred Maintenance, Re- search, and Public Service	1,000,000		1,000,000

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26. Research Library Enhancement	437,277		437,277
SOURCE OF FUNDS:			
(1) ASETF	72,755,128		
(2) Other Funds		74,110,518	
Total Auburn University	72,755,128	74,110,518	146,865,646
B. Agricultural Experiment Station			
1. Operations and Maintenance ...	12,945,699	4,333,244	17,278,943
2. Poultry Development Program	500,000		500,000
3. Restricted Funds		7,154,787	7,154,787
4. Deferred Maintenance, Research, and Public Service	489,900		489,900
SOURCE OF FUNDS:			
(1) ASETF	13,935,599		
(2) Other Funds		11,488,031	
Total Agricultural Experiment Station	13,935,599	11,488,031	25,423,630
C. Cooperative Extension Service			
1. Operations and Maintenance ...	14,000,084		14,000,084
2. Retirement	1,871,380		1,871,380
3. Computer Communications System	560,000		560,000
4. Restricted Funds		10,509,566	10,509,566
5. Deferred Maintenance, Research, and Public Service	510,100		510,100
SOURCE OF FUNDS:			
(1) ASETF	16,941,564		
(2) Other Funds		10,509,566	
Total Cooperative Extension Service	16,941,564	10,509,566	27,451,130
D. Auburn University at Montgomery			
1. Operations and Maintenance ...	10,538,636	5,535,000	16,073,636
2. Montgomery Area Community Health Sciences Institute	54,000		54,000
3. Public Service, Research and Extension	478,000	65,000	543,000
4. Nursing Scholarships	18,000		18,000
5. Auxiliary Enterprises		2,143,999	2,143,999
6. Restricted Funds		1,583,514	1,583,514

7. Public Service, Research and Extension	250,000		250,000
8. Deferred Maintenance, Research, and Public Service	<u>1,500,000</u>		<u>1,500,000</u>

SOURCE OF FUNDS:

(1) ASETF	12,838,636		
(2) Other Funds		<u>9,327,513</u>	
Total Auburn University at Montgomery	<u>12,838,636</u>	<u>9,327,513</u>	<u>22,166,149</u>

VI. Board of Trustees of Jacksonville State University

A. Jacksonville State University

1. Operations and Maintenance ...	14,998,646	6,806,784	21,805,430
2. Gadsden Educational Program	339,000	20,000	359,000
3. Nursing Scholarships	18,000		18,000
4. United Cerebral Palsy Development Center for East Central Alabama	107,000		107,000
5. Vocational Teacher Training	152,000		152,000
6. Developmental Education Project	200,435		200,435
7. Center for Economic Development	149,565		149,565
8. Research and Public Service	100,000		100,000
9. Southern Studies Center	250,000		250,000
10. Sensory Impaired Postsecondary Program	100,000		100,000
11. Auxiliary Enterprises		2,834,000	2,834,000
12. Restricted Funds		2,995,000	2,995,000
13. Special Program Enhancement	750,000		750,000
14. Special Program Enhancement for Gadsden Educational Program	125,000		125,000
15. Deferred Maintenance, Research, and Public Service	<u>1,305,000</u>		<u>1,305,000</u>

SOURCE OF FUNDS:

(1) ASETF	18,594,646		
(2) Other Funds		<u>12,655,784</u>	
Total Jacksonville State University	<u>18,594,646</u>	<u>12,655,784</u>	<u>31,250,430</u>

VII. Board of Trustees of Livingston University

A. Livingston University

1. Operations and Maintenance ...	4,770,850	1,127,840	5,898,690
2. Nursing Scholarships	18,000		18,000
3. Auxiliary Enterprises		2,118,481	2,118,481
4. Restricted Funds		598,089	598,089
5. Special Program Enhancement for Operations and Maintenance	553,112		553,112
6. Deferred Maintenance, Research, and Public Service	<u>1,322,986</u>		<u>1,322,986</u>

SOURCE OF FUNDS:

(1) ASETF	6,664,948		
(2) Other Funds		<u>3,844,410</u>	
Total Livingston University	<u>6,664,948</u>	<u>3,844,410</u>	<u>10,509,358</u>

VIII. Board of Trustees of University of Montevallo

A. University of Montevallo

1. Operations and Maintenance ...	7,983,426	3,462,723	11,446,149
2. School for Aphasic Children ...	286,994		286,994
3. Highway Safety Program	145,834		145,834
4. Communication Center	100,405		100,405
5. School of Business	200,000		200,000
6. Institute for Management Information Systems	185,400		185,400
7. Alabama Outdoor Drama	10,000		10,000
8. Auxiliary Enterprises		3,626,396	3,626,396
9. Restricted Funds		1,799,179	1,799,179
10. Special Program Enhancement for Operations and Maintenance	170,151		170,151
11. Deferred Maintenance, Research, and Public Service	<u>1,300,000</u>		<u>1,300,000</u>

SOURCE OF FUNDS:

(1) ASETF	10,382,210		
(2) Other Funds		<u>8,888,298</u>	
Total University of Montevallo ...	<u>10,382,210</u>	<u>8,888,298</u>	<u>19,270,508</u>

IX. Board of Trustees of University of North Alabama

A. University of North Alabama

1. Operations and Maintenance ...	11,593,061	5,802,746	17,395,807
2. Research and Public Service	365,000		365,000
3. Nursing Scholarships	18,000		18,000
4. Center for Business Productivity and Relations	200,000		200,000
5. Developmental Computer Edu- cation	175,000		175,000
6. Occupational and Health Labo- ratory	125,000		125,000
7. Auxiliary Enterprises		2,231,514	2,231,514
8. Restricted Funds		231,452	231,452
9. Deferred Maintenance, Re- search, and Public Service	<u>1,500,000</u>		<u>1,500,000</u>

SOURCE OF FUNDS:

(1) ASETF	13,976,061		
(2) Other Funds		<u>8,265,712</u>	
Total University of North Ala- bama	<u>13,976,061</u>	<u>8,265,712</u>	<u>22,241,773</u>

X. Board of Trustees of University
of South Alabama

A. University of South Alabama

1. Operations and Maintenance ...	22,188,592	14,543,800	36,732,392
2. Medical Research and Public Service	300,784		300,784
3. Family Practice Residency Pro- gram	602,391		602,391
4. College of Medicine	11,890,327	9,522,000	21,412,327
5. Medical Center Hospital	3,269,210	43,919,304	47,188,514
6. Nursing Scholarships	18,000		18,000
7. Alabama Business and Trans- portation Program	100,000		100,000
8. Paramedic Training Program ...	149,000	87,000	236,000
9. Newborn Growth and Develop- ment Program	85,684		85,684
10. Environmental and Economic Services Program	100,000		100,000
11. Birth Defects and Genetic Cen- ter	212,141		212,141
12. Research and Public Service ..	98,000		98,000
13. Baldwin County Campus	273,000	120,000	393,000
14. Auxiliary Enterprises		7,404,000	7,404,000
15. Restricted Funds		9,485,000	9,485,000

**REGULAR SESSION
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16. Deferred Maintenance, Research, and Public Service	<u>1,000,000</u>	<u>1,000,000</u>
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SOURCE OF FUNDS:

(1) ASETF	40,287,129		
(2) Other Funds		<u>85,081,104</u>	
Total University of South Alabama	<u>40,287,129</u>	<u>85,081,104</u>	<u>125,368,233</u>

XI. Board of Trustees of Troy State University

A. Troy State University

1. Operations and Maintenance at Troy	10,085,014	5,576,739	15,661,753
2. Operations and Maintenance at Ft. Rucker/Dothan	1,697,141	1,303,990	3,001,131
3. Operations and Maintenance at Montgomery	1,557,506	1,660,526	3,218,032
4. Nursing Scholarships	36,000		36,000
5. School of Nursing - Montgomery	250,000	25,500	275,500
6. Branch Campus at Phenix City	659,256	283,600	942,856
7. Center for Developmental Education	300,000		300,000
8. Public Radio and Communication Services	325,000		325,000
9. Research and Public Service	401,950		401,950
10. Center for Environmental Research and Science	215,000		215,000
11. Auxiliary Enterprises		4,200,000	4,200,000
12. Restricted Funds		854,000	854,000
13. Special Program Enhancement for Operations and Maintenance at Montgomery	100,000		100,000
14. Deferred Maintenance, Research, and Public Service	1,000,000		1,000,000
15. Deferred Maintenance, Research, and Public Service - Troy State University at Fort Rucker/Dothan	125,000		125,000
16. Deferred Maintenance, Research, and Public Service - Troy State University at Phenix City	<u>100,000</u>		<u>100,000</u>

SOURCE OF FUNDS:

(1) ASETF	16,851,867		
(2) Other Funds		<u>13,904,355</u>	
Total Troy State University	<u>16,851,867</u>	<u>13,904,355</u>	<u>30,756,222</u>

XII. BOARD OF TRUSTEES OF
ALABAMA INSTITUTE FOR
DEAF AND BLIND

1. Children and Youth Programs	9,217,238	1,408,729	10,625,967
2. E. H. Gentry Technical Facility	3,020,018	2,292,400	5,312,418
3. Industries for the Blind	917,744	12,666,511	13,584,255
4. Deferred Maintenance, Research and Public Service	<u>200,000</u>		<u>200,000</u>

SOURCE OF FUNDS:

(1) ASETF	13,355,000		
(2) Other Funds		<u>16,367,640</u>	
Total Alabama Institute for Deaf and Blind	<u>13,355,000</u>	<u>16,367,640</u>	<u>29,722,640</u>

XIII. EMINENT SCHOLARS
PROGRAM

(a) Eminent Scholars Program	9,000,000
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SOURCE OF FUNDS:

(1) ASETF	<u>9,000,000</u>	
Total Eminent Scholars Program	<u>9,000,000</u>	<u>9,000,000</u>

XIV. ADVANCED TECHNOLOGY
FOUNDATION

(a) Technical Assistance Program	1,500,000
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SOURCE OF FUNDS:

(1) ASETF	<u>1,500,000</u>	
Total Advanced Technology Foundation	<u>1,500,000</u>	<u>1,500,000</u>

The above appropriation to the Advanced Technology Foundation is to be conditioned on the passage of legislation authorizing the Advanced Technology Foundation, the availability of funds in the ASETF, and the approval of the Governor.

XV. DEPARTMENT OF MENTAL
HEALTH

(a) Financial Assistance Program	1,200,000
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To be used by the Department of Mental Health for the education of institutionalized mentally ill and mentally retarded children pursuant to the requirements of P.L. 94-142.

SOURCE OF FUNDS:

(1) ASETF	<u>1,200,000</u>	
Total Department of Mental Health	<u>1,200,000</u>	<u>1,200,000</u>

In addition to the above appropriation to the Department of Mental Health, there is hereby appropriated \$2,800,000 to be conditioned on the availability of funds in the ASETF and the approval of the Governor.

SECTION 5.

A. SPECIAL MENTAL HEALTH FUND:

(1) There is hereby appropriated from the Special Mental Health Trust Fund to the Board of Trustees of the University of Alabama for the University of Alabama at Birmingham \$3,608,510 to be expended for Special Mental Health.

(2) There is hereby appropriated from the Special Mental Health Trust Fund to the Board of Trustees of the University of Alabama for the University of Alabama at Birmingham \$728,515 to be expended for the Chauncey Sparks Center for Developmental and Learning Disorders.

B. ALABAMA BOARD OF NURSING TRUST FUND:

There is hereby appropriated from the Alabama Board of Nursing Trust Fund to the Alabama Board of Nursing \$857,000 to be expended for the Professional and Occupational Licensing and Regulation Program.

C. ALABAMA PEACE OFFICERS' STANDARDS AND TRAINING FUND:

There is hereby appropriated from the Alabama Peace Officers' Standards and Training Fund to the Alabama Peace Officers' Standards and Training Commission \$300,000 to be expended for the Certified Law Enforcement Academy Program.

D. PUBLIC SCHOOL FUND:

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Sections 257, 258, and 259 of the Constitution of Alabama 1901 and the amount appropriated from all other funds as is now provided by law, however, not more than four percent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools. There

is hereby appropriated thirty-six million dollars (\$36,000,000) from the Public School Fund for the Minimum Program Fund to be expended under the Financial Assistance Program as shown in subsection 3-A-9(a). If the Public School Fund receives more revenue than appropriated for the fiscal year ending September 30, 1986, the excess in revenue shall be carried over as a beginning balance for the fiscal year beginning October 1, 1986.

SECTION 6.

The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller shall issue his warrant therefor. All other appropriations in this Act shall be paid on request by the Comptroller in the manner now provided by law.

SECTION 7.

Nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation. Further, all state, county, municipal and educational entities are authorized to disburse such funds as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by the Code of Alabama 1975, Section 41-5-24.

SECTION 8.

All encumbered balances of a previous fiscal year appropriation other than the exclusions authorized by the Code of Alabama 1975, Section 41-4-93, shall lapse on September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the ASETF or the trust fund from which the appropriation or appropriations were made.

SECTION 9.

The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

SECTION 10.

This act shall become effective on October 1, 1985.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 100; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—100

AMENDMENT OFFERED

Rep. Coburn offered the following amendment to the bill, H. 331 as amended:

Amend House Bill 331 as substituted on page 69, line 26 by deleting “3-A-9(a)” and inserting in lieu thereof the following “3-A-10(a)”.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 92; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McMillan, McNair, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—92

AMENDMENT OFFERED

Reps. Ford and Bugg offered the following amendment to the bill, H. 331 as amended:

Amend House Bill 331 as substituted on page 33, line 12 by deleting the word “Junior” and inserting in lieu thereof the word “Community”.

Further amend House Bill 331 as substituted on page 33 by deleting lines 14-24 in their entirety and inserting in lieu thereof the following language:

“For the establishment of programs of technical assistance to promote economic and business growth and development in the college service areas.”

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Faulk, Flowers, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Hettinger, Holmes, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, McNair, Marietta, Mathis, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rogers, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—76

AMENDMENT OFFERED

Rep. Coburn offered the following amendment #2 to the bill, H. 331 as amended:

Amend House Bill 331 on page 23, line 10, by striking the figure “74,637,375”, and substitute in lieu thereof the following figure “75,137,375”.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Mathis, Melton, Mitchell, Moore, Newman, Newton, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Preuitt,

Rains, Reed, Rice, Richardson, Rogers, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—84

AMENDMENT OFFERED

Rep. Hettinger offered the following amendment to the bill, H. 331 as amended:

Amend the Substitute to House Bill 331 on page 29 by deleting lines 6 through 10 in their entirety and inserting in lieu thereof the following:

Colleges listed in (1c) on a needs basis as determined by the Chancellor of the Postsecondary Education System.

Further amend the bill on page 32 by deleting lines 5 through 9 in their entirety and inserting in lieu thereof the following:

Technical colleges listed above in (1b) on a needs basis as determined by the Chancellor of the Postsecondary Education System.

MOTION TO RECESS LOST

The motion offered by Rep. Rice that the House recess until 12:30 o'clock p.m., was lost.

Yeas 38; Nays 49.

Yeas:

Reps. Adams, Bachus, Beasley, Biddle, Black, Blakeney, Boles, Brakefield, Bugg, Burke, Buskey (James), Butler, Carothers, Clark (W), Crow, Fuller, Gaston, Gray, Grayson, Hooper, Kennedy, Kvalheim, Lindsey, McKee, McNair, Mathis, Mitchell, Newman, Payne, Rains, Reed, Rice, Starkey, Tanner, Thomas, Trammell, Turner and Turnham.

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Nays:

Reps. Albright, Blake, Bowling, Box, Britnell, Brooks, Browder, Bryant, Buskey (John), Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Davis, Escott, Ford, Goodwin, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (RG), Johnson (Roy), Junkins, Laird, Lauderdale, Marietta, Melton, Mikell, Moore, Newton, Nicholson, Onderdonk, Parker, Perdue, Poole, Richardson, Rogers, Sasser, Smith, Venable, Warren, White (F), White (L) and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 205. CONGRATULATING MR. AND MRS. HUEY M. LAMBERT ON THE OCCASION OF THEIR 35th WEDDING ANNIVERSARY.

Also:

H. J. R. 206. COMMENDING AND CONGRATULATING COACH CURT BARNES AND THE ASHFORD HIGH SCHOOL LADY YELLOW JACKETS ON THEIR OUTSTANDING BASKETBALL SEASON.

Also:

H. J. R. 209. IN SUPPORT OF THE ALABAMA FOUNDATION FOR EDUCATIONAL EXCELLENCE.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolution, your signature thereto is requested:

S. 270. Relating to Mobile County; providing for additional volunteer deputy registrars; providing for their appointments upon the recommendation of the representatives and senators from Mobile County; providing that such volunteer deputy registrars shall serve without pay; and setting the terms concurrently with the legislator making the recommendation for said volunteer.

Also:

S. J. R. 102. CREATING THE ALABAMA LEGISLATIVE CONGRESSIONAL ADVISORY COMMITTEE ON FARM PROGRAMS.

Also:

S. 273. To provide for charges that may be made for bad checks given in payment to lenders of money or extenders of credit and to amend Title 8, Chapter 8, Code of Alabama 1975, therefor; to provide that such charges shall not be deemed interest, finance or other charges that are limited or restricted by law.

Also:

S. 68. To amend Section 41-16-50 and Section 41-16-57, Code of Alabama 1975, relating to the expenditure of public funds for leases and related to the expenditure of public funds awarding lease purchase contracts; to establish an effective date.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolution, the titles of which are set out in the above and foregoing Message from the Senate.

REGULAR SESSION
16th Day

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RECESS

On motion of Rep. Turnham, the House recessed until 12:15 o'clock p.m.

HOUSE RECONVENED

The hour of 12:15 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

H. 331 RESUMED

AMENDMENT LOST

The question was then on the amendment offered by Rep. Hettinger to the bill, H. 331 as amended, and the amendment was lost.

Yeas 27; Nays 48.

Yeas:

Reps. Adams, Albright, Boles, Brooks, Clark (D), Clark (W), Cosby, Ford, Gaston, Gray, Grayson, Hall, Hammett, Harper, Hettinger, Kennedy, Kvalheim, McMillan, Mikell, Parker, Penry, Pratt, Starkey, Starr, Tanner, Turner and Zoghby.

—27

Nays:

Mr. Speaker, Beasley, Black, Blake, Blakeney, Bowling, Brakefield, Browder, Bryant, Bugg, Buskey (John), Butler, Carter, Clark (J), Coburn, Coleman, Crow, Davis, Escott, Flowers, Fuller, Goodwin, Johnson (RG), Junkins, Laird, Lauderdale, McDowell, Marietta, Mathis, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Payne, Perdue, Poole, Rains, Richardson, Rogers, Smith, Spratt, Trammell, Turnham, Venable and Warren.

—48

AMENDMENT OFFERED

Rep. Hooper offered the following amendment to the bill, H. 331 as amended:

Amend H. B. 331 as last substituted on page 29, lines 6 through 10 by striking lines 6 through 10 in their entirety and substitute in lieu thereof the following:

Colleges listed in (1c) on a needs basis; and provided further that the Junior Colleges that did not receive funds appropriated for high technology equipment for fiscal year 1984-85 shall be the first priority for the distribution of such funds for fiscal year 1985-86.;

Further amend H. B. 331 on page 32, by striking lines 5 through 9 in their entirety and substitute in lieu thereof the following:

Technical Colleges listed above in (1b) on a needs basis; and provided further that the Technical Colleges that did not receive funds appropriated for high technology equipment for fiscal 1984-85 shall be the first priority for the distributions of such funds for fiscal year 1985-86.

AMENDMENT TABLED

On motion of Rep. Coburn the amendment offered by Rep. Hooper to the bill, H. 331 as amended, was tabled.

Yeas 49; Nays 32.

Yeas:

Mr. Speaker, Albright, Beasley, Blake, Boles, Bowling, Brakefield, Britnell, Browder, Bugg, Butler, Carothers, Carter, Clark (J), Clark (W), Coburn, Coleman, Crow, Escott, Flowers, Ford, Goodwin, Hall, Harvey, Hettinger, Holley, Johnson (RG), Johnson (Roy), Junkins, Laird, Lauderdale, Lindsey, Marietta, Mathis, Melton, Mitchell, Moore, Newman, Newton, Payne, Perdue, Poole, Pratt, Rains, Richardson, Rogers, Smith, Spratt and Turnham.

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Nays:

Reps. Blakeney, Brooks, Bryant, Burke, Buskey (James), Buskey (John), Clark (D), Cosby, Gaston, Hammett, Harper, Hooper, Kennedy, Kvalheim, McKee, McMillan, McNair, Martin, Mikell, Onderdonk, Parker, Penry, Preuitt, Rice, Starkey, Starr, Turner, Venable, Warren, White (F), White (G) and White (L).

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AMENDMENT OFFERED

Rep. Coburn offered the following amendment #3 to the bill, H. 331 as amended:

Amend House Bill 331 as substituted on page 4 line 22 by inserting the words "capital outlay and" after the word "for".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 95; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Flowers, Ford, Fuller, Gaston, Goodwin, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt,

Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G) and White (L).

—95

AMENDMENT OFFERED

Rep. Cosby offered the following amendment to the bill, H. 331 as amended:

“To amend the substitute to House Bill 331 in Section 3 (A) (11) (a) on page 20 after line 28 by adding a new sub-section (11) and renumbering accordingly:

‘(11) Teacher units to Reduce Pupil-Teacher Ratio in
Grades K-1 23,360,200

The above appropriation is for 862 teacher units and includes capital outlay at \$100 per teacher unit earned but the total for capital outlay shall not exceed the sum of 86,200. These teacher units are to be used to reduce the pupil teacher ratio to one (1) teacher for each twenty (20) students enrolled in Grades K-1 for the first four (4) months of the scholastic year.”

Further amend the substitute to House Bill 331 in Section 3 (A) (11) (a) on page 14 on lines 24, 26, and 28 by striking the figure “457,806,450” and inserting in lieu thereof the figure “461,544,805”.

Further amend the substitute to House Bill 331 in Section 3 (A) (11) (a) by deleting sub-sections (20), (23) and (24) on page 26 and renumbering the remaining sub-sections accordingly.

Further amend the substitute to House Bill 331 in Section 3 (A) (38) on page 45 by deleting the lines 34, 36, and 38 the figure “14,815,114” and inserting in lieu thereof the figure “11,076,759”.

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Cosby to the bill, H. 331 as amended, was tabled.

Yeas 61; Nays 37.

Yeas:

Mr. Speaker, Albright, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Buskey (John), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Ford, Goodwin, Harvey, Holley, Holmes, Johnson (Roy), Junkins, Kennedy, Lauderdale, McDowell, Marietta, Mathis, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Poole, Pratt, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Thomas, Trammell, Turner, Turnham, Warren and White (F).

—61

Nays:

Reps. Adams, Bachus, Beasley, Beers, Brooks, Burke, Butler, Cosby, Flowers, Fuller, Gaston, Gray, Grouby, Hall, Hammett, Harper, Hooper, Johnson (RG),

Kvalheim, Laird, Lindsey, McKee, McMillan, McNair, Martin, Mikell, Payne, Penry, Preuitt, Rains, Sasser, Starr, Tanner, Venable, White (G), White (L) and Zoghby.

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REPORT FILED

Pursuant to Act No. 79-550, Act No. 80-443, Act No. 81-499, Act No. 82-379 and Act No. 84-711, Rep. Charles A. Martin, Chairman, submitted the report of the Joint Interim Committee on Municipal Government, and the report was ordered filed.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILL

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 205. CONGRATULATING MR. AND MRS. HUEY M. LAMBERT ON THE OCCASION OF THEIR 35th WEDDING ANNIVERSARY.

Also:

H. J. R. 206. COMMENDING AND CONGRATULATING COACH CURT BARNES AND THE ASHFORD HIGH SCHOOL LADY YELLOW JACKETS ON THEIR OUTSTANDING BASKETBALL SEASON.

Also:

H. J. R. 209. IN SUPPORT OF THE ALABAMA FOUNDATION FOR EDUCATIONAL EXCELLENCE.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 331 RESUMED

AMENDMENT OFFERED

Rep. Bowling offered the following amendment to the bill, H. 331 as amended:

Amend House Bill 331 as substituted on page 33, line 28 by adding the following section and renumbering all subsequent sections accordingly:

"15. POSTSECONDARY PRISON EDUCATION:

(a) Junior Colleges 667,366

For prison credit hours attempted at Alexander City State Junior College and Jefferson Davis State Junior College during the summer quarter of the

1983-84 school year and the fall, winter, and spring quarters of the 1984-85 school year. Funding shall be based upon the same dollars/credit hour as is generated by regular junior college funding but shall not exceed the 1983-84 enrollment levels. The above named colleges shall be reimbursed for tuition that is waived but the total amount reimbursed shall not exceed the sum of \$166,529.

(b) Technical Colleges 4,275,287

For prison education at Atmore State Technical College and Ingram State Technical College - Elmore County Campus in accordance with the formula adopted by the State Board of Education for technical colleges.

Funding shall be based upon \$275,000 to each of the two colleges and the remainder of the appropriation shall be based upon the same dollars/FTE as is generated by regular technical college funding but shall not exceed the 1983-84 enrollment levels. The above named colleges shall be reimbursed for tuition that is waived but the total amount reimbursed shall not exceed the sum of \$480,625.

SOURCE OF FUNDS:

(1) ASETF 4,942,653

Total Prison Education Program - Postsecondary
Education Department 4,942,653 4,942,653

Further amend on page 27 by deleting lines 23-26 in their entirety and inserting the new lines:

“(a) Junior Colleges shall not be reimbursed for prison credit hours under this section.”

Further amend House Bill 331 as substituted on page 30 by striking lines 22-25 in their entirety and by inserting the following:

“(a) Technical Colleges shall not be reimbursed for prison credit hours under this section.”

Further amend House Bill 331 as substituted on page 27, lines 6 and 19 by deleting the number “60,858,167” and inserting in lieu thereof the number “60,190,801”.

Further amend House Bill 331 as substituted on page 27 line 6 by deleting the number “81,313,349” and inserting in lieu thereof the number “80,645,983”.

Further amend House Bill 331 as substituted on page 27, lines 15 and 18 by deleting the number “66,087,910” and inserting in lieu thereof the number “65,420,544”.

Further amend House Bill 331 as substituted on page 27, line 18 by deleting the number “109,240,136” and inserting in lieu thereof the number “108,572,770”.

Further amend House Bill 331 as substituted on page 30, line 6 by striking the line in its entirety and by inserting in lieu thereof the following:

“(a) operations and maintenance 45,522,990 14,506,806 60,029,796”

Further amend House Bill 331 as substituted on page 30 lines 15 and 18 by striking the number “53,785,672” and inserting in lieu thereof the number “49,510,385”.

Further amend House Bill 331 as substituted on page 30, line 18 by striking the number "79,779,829" and inserting in lieu thereof the number "75,504,542".

Further amend House Bill 331 as substituted on page 30 line 19 by striking the number "49,798,277" and inserting in lieu thereof the number "45,522,990".

AMENDMENT TABLED

On motion of Rep. Venable, the amendment offered by Rep. Bowling to the bill, H. 331 as amended, was tabled.

Yeas 58; Nays 34.

Yeas:

Mr. Speaker, Albright, Bachus, Biddle, Black, Blake, Blakeney, Brakefield, Brooks, Browder, Burke, Buskey (John), Butler, Carothers, Clark (J), Coburn, Coleman, Crow, Dutton, Escott, Faulk, Flowers, Goodwin, Harvey, Hettinger, Holmes, Johnson (RG), Johnson (Roy), Junkins, Lauderdale, Lindsey, McDowell, Marietta, Mathis, Melton, Mikell, Moore, Newman, Newton, Nicholson, Perdue, Pratt, Rains, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G) and White (L).

—58

Nays:

Reps. Adams, Beasley, Boles, Bowling, Box, Britnell, Bryant, Bugg, Clark (D), Clark (W), Cosby, Ford, Gaston, Gray, Hammett, Harper, Holley, Hooper, Kennedy, Kvalheim, McKee, McMillan, McNair, Martin, Mitchell, Onderdonk, Parker, Payne, Penry, Poole, Preuitt, Sasser, Starr and Zoghby.

—34

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 149. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Nursing Home Administrators as provided in Sections 34-20-1 through 34-20-16 of the Code of Alabama 1975, with certain modifications; to amend Section 34-20-11, Code of Alabama 1975, so as to provide for an application fee not to exceed \$100.00, and a temporary emergency permit fee not to exceed \$300.00, the exact amount to be determined by the board.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

REGULAR SESSION
16th Day

923

H. 149. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Nursing Home Administrators as provided in Sections 34-20-1 through 34-20-16 of the Code of Alabama 1975, with certain modifications; to amend Section 34-20-11, Code of Alabama 1975, so as to provide for an application fee not to exceed \$100.00, and a temporary emergency permit fee not to exceed \$300.00, the exact amount to be determined by the board.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

H. 331 RESUMED

AMENDMENT OFFERED

Rep. Grayson offered the following amendment #1 to the bill, H. 331 as amended:

Amend Substitute to H. B. 331 on page 58, lines 8-9 by striking the following figures on line 9:

ASETF	Appropriation Total
420,305	420,305

and inserting in lieu thereof the following:

<u>4,420,305</u>	<u>4,420,305</u>
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Further amend H. B. 331 as substituted on page 58, lines 17 and 19 by striking "14,486,787" and by inserting in lieu thereof "18,486,787".

Further amend H. B. 331 as substituted on page 58, line 19 by striking "32,576,063" and by inserting in lieu thereof "36,576,063".

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment #1 offered by Rep. Grayson to the bill, H. 331 as amended, was tabled.

Yeas 59; Nays 23.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Biddle, Blake, Blakeney, Bowling, Box, Britnell, Browder, Bryant, Campbell, Carothers, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Faulk, Flowers, Fuller, Gaston, Goodwin, Hammett, Harvey, Holley, Johnson (RG), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Mathis, Mikell, Mitchell, Moore,

Newman, Nicholson, Payne, Penry, Rains, Rice, Richardson, Sasser, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—59

Nays:

Reps. Albright, Black, Brooks, Buskey (James), Buskey (John), Clark (W), Davis, Escott, Grayson, Hall, Hettinger, Holmes, Kennedy, McDowell, McNair, Melton, Newton, Parker, Perdue, Reed, Rogers, Spratt and Thomas.

—23

AMENDMENT OFFERED

Rep. Grayson offered the following amendment #2 to the bill, H. 331 as amended:

Amend Substitute to H. B. 331 on page 58, lines 8-9 by striking the following figures on line 9:

ASETF	Appropriation Total
420,305	420,305

and inserting in lieu thereof the following:

<u>3,420,305</u>	<u>3,420,305</u>
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Further amend H. B. 331 as substituted on page 58, lines 17 and 19 by striking "14,486,787" and by inserting in lieu thereof "17,486,787".

Further amend H. B. 331 as substituted on page 58, line 19 by striking "\$32,576,063" and by inserting in lieu thereof "35,576,063".

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment #2 offered by Rep. Grayson to the bill, H. 331 as amended, was tabled.

Yeas 58; Nays 21.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Biddle, Blake, Blakeney, Bowling, Box, Britnell, Browder, Campbell, Carothers, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Faulk, Flowers, Fuller, Gaston, Goodwin, Hammett, Holley, Johnson (RG), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Poole, Rains, Rice, Richardson, Sasser, Smith, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (L) and Zoghby.

—58

Nays:

Reps. Black, Brooks, Bryant, Buskey (James), Buskey (John), Clark (W), Davis, Escott, Grayson, Hall, Hettinger, Holmes, Kennedy, McDowell, McNair, Melton, Perdue, Preuitt, Rogers, Spratt and Thomas.

—21

AMENDMENT OFFERED

Rep. Grayson offered the following amendment #3 to the bill, H. 331 as amended.

Amend Substitute to H. B. 331 on page 58, lines 8-9 by striking the following figures on line 9:

ASETF	Appropriation Total
420,305	420,305

and inserting in lieu thereof the following:

<u>2,420,305</u>	<u>2,420,305</u>
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Further amend H. B. 331 as substituted on page 58, lines 17 and 19 by striking "14,486,787" and by inserting in lieu thereof "16,486,787".

Further amend H. B. 331 as substituted on page 58, line 19 by striking "32,576,063" and by inserting in lieu thereof "34,576,063".

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment #3 offered by Rep. Grayson to the bill, H. 331 as amended, was tabled.

Yeas 55; Nays 26.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grouby, Hammett, Harvey, Johnson (RG), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Marietta, Mathis, Mitchell, Moore, Nicholson, Onderdonk, Payne, Poole, Rains, Rice, Richardson, Sasser, Smith, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (L) and Zoghby.

—55

Nays:

Reps. Black, Boles, Brooks, Bryant, Buskey (James), Clark (W), Cosby, Davis, Dutton, Gray, Grayson, Hall, Hettinger, Holmes, Kennedy, McDowell, McNair, Melton, Newton, Parker, Perdue, Preuitt, Reed, Rogers, Spratt and Thomas.

—26

AMENDMENT OFFERED

Rep. Harper offered the following amendment to the bill, H. 331 as amended:

Amend H. B. 331 as substituted on page 20, line 7 by striking "2,719,616" and by inserting "17,915,219".

Further amend H. B. 331 on page 20, line 9 by striking "110" and by inserting "725".

Further amend H. B. 331 on page 20, line 13 by striking "2,296,711" and by inserting "15,127,891".

Further amend H. B. 331 on page 20 by striking lines 18-21 and by inserting in lieu thereof the following:

"AA	\$22,812	100	2,281,200
I	21,359	443	9,462,037
II	18,597	<u>182</u>	<u>3,384,654</u>
		725	15,127,891"

Further amend H. B. 331 on page 20, line 23 by striking "415,755" and by inserting "2,740,203".

Further amend H. B. 331 on page 20, line 28 by striking "7,150" and by inserting "47,125".

Further amend the Substitute to H. B. 331 on page 14, Section 3 (A) (11) (a) on lines 24, 26, 28 by deleting the figure "457,806,450" and inserting in lieu thereof "473,195,053".

Further amend the substitute to House Bill 331 in Section 3 (A) (24) on page 37, line 36 by deleting the figure "84,000,000" and inserting in lieu thereof the figure "68,804,397".

Further amend the bill in Section 3 (A) (24) on page 38, line 32 by deleting the figure \$35,000,000 and inserting in lieu thereof the figure "19,804,397".

Further amend the bill in section 3 (A) (24) on page 39, lines 8 and 10 by deleting the figure "84,000,000" and inserting in lieu thereof the figure "68,804,397".

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Harper to the bill, H. 331 as amended, was tabled.

Yeas 50; Nays 36.

Yeas:

Mr. Speaker, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (John), Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Dutton, Escott, Ford, Goodwin, Holley, Holmes, Johnson (Roy), Junkins, Kennedy, Lauderdale, McKee, Marietta, Melton, Mitchell, Moore, Newman, Nicholson, Parker, Payne, Perdue, Poole, Pratt, Rains, Rogers, Starkey, Trammell, Turner, Turnham, Warren and White (F).

—50

Nays:

Reps. Adams, Albright, Bachus, Beasley, Box, Butler, Cosby, Faulk, Flowers, Fuller, Gaston, Gray, Grouby, Hammett, Harper, Harvey, Hooper, Johnson (RG), McDowell, McMillan, McNair, Mathis, Mikell, Penry, Preuit,

Rice, Richardson, Sasser, Smith, Spratt, Starr, Tanner, Venable, White (G), White (L) and Zoghby.

—36

AMENDMENT OFFERED

Rep. Johnson (Roy) offered the following amendment to the bill, H. 331 as amended:

Amend House Bill 331 as substituted on page 7, line 14 by deleting the figure "7,800,000" and inserting in lieu thereof the figure "8,000,000".

Further amend House Bill 331 as substituted on page 6, line 32 and page 7, line 23 by deleting the figure "50,624,099" and inserting in lieu thereof the figure "50,824,099".

Further amend House Bill 331 as substituted on page 7, lines 20 and 23 by deleting the figure "18,106,000" and inserting in lieu thereof the figure "18,306,000".

Further amend House Bill 331 as substituted on page 12, lines 31 and 34 by deleting the figure "55,730,437" and inserting in lieu thereof the figure "55,930,437".

Further amend House Bill 331 as substituted on page 12, line 34 by deleting the figure "331,600,331" and inserting in lieu thereof the figure "331,800,331".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 95; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McKee, McMillan, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—95

AMENDMENT OFFERED

Rep. Johnson (Roy) offered the following amendment #2 to the bill, H. 331 as amended:

Amend House Bill 331 as substituted on page 56 by inserting a new line after line 23:

"42. Sudden Death Research 100,000 100,000"

and renumbering all subsequent lines accordingly.

Further amend House Bill 331 as substituted on page 56, lines 28 and 33 by deleting the number "106,288,359" and inserting in lieu thereof the number "106,388,359".

Further amend House Bill 331 as substituted on page 56, line 33 by deleting the number "385,017,829" and inserting in lieu thereof the number "385,117,829".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 86; Nays 4.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harvey, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, Mathis, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuit, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—86

Nays: Reps. Grayson, Harper, McKee and McMillan.

—4

AMENDMENT OFFERED

Rep. Browder offered the following amendment to the bill, H. 331 as amended:

Amend House Bill 331 as substituted on page 62, line 30 by deleting the number "152,000" and inserting in lieu thereof the number "107,000".

Further amend House Bill 331 as substituted on page 62, line 32 by deleting the number "149,565" and inserting in lieu thereof the number "194,565".

AMENDMENT ADOPTED

And the amendment was adopted. /

Yeas 90; Nays 2.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, Martin, Mathis, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne,

Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—90

Nays: Reps. Grayson and McMillan.

—2

And the bill, H. 331, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 93; Nays 9.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grouby, Hammett, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McNair, Martin, Mathis, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—93

Nays:

Reps. Bachus, Brooks, Cosby, Gray, Grayson, Harper, McKee, McMillan and Mikell.

—9

BUDGET ISOLATION RESOLUTION

On motion of Rep. Coburn, Budget Isolation Resolution, H. B. 452, was adopted.

Yeas 97; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—97

And the bill:

H. 452. To make appropriations for the support and maintenance of the Talladega College for the fiscal year ending September 30, 1986.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 96; Nays 3.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harvey, Hettinger, Holley, Holmes, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—96

Nays: Reps. Brooks, Hooper and McKee.

—3

RESOLUTIONS

The following resolutions were introduced:

By Reps. Kvalheim, Drake, Blakeney, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

H. J. R. 214. EXTENDING BEST WISHES FOR A SPEEDY RECOVERY TO OUR COLLEAGUE GEORGE G. SEIBELS, JR.

WHEREAS, in expression of sincere concern, we note the hospitalization of our good friend and colleague, Representative George G. Seibels, Jr., of Birmingham, Alabama; and

WHEREAS, Mr. Seibels, now recuperating at University Hospital, the University of Alabama Medical Center in Birmingham, underwent corrective surgery April 2, 1985, to receive a hip joint replacement; and

WHEREAS, we are pleased to note, however, that Representative Seibels is doing well and, hopefully, the prognosis will be good for his complete recovery and that he can expect relief from the pain and discomfort he has been experiencing; and

WHEREAS, in his absence from our midst, Mr. Seibels is much on our minds and in our hearts and we sincerely wish for him the speediest possible recovery; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend to our good friend, George Seibels, all best wishes for a rapid return to good health and direct that he receive a copy of this resolution of concern and good will.

On motion of Rep. Kvalheim, the rules were suspended and the resolution, H. J. R. 214, was adopted.

Also:

By Rep. Holmes:

H. J. R. 215. COMMENDING MRS. FANNIE THOMPSON CONLEY ON THE OCCASION OF HER 95TH BIRTHDAY.

WHEREAS, the Legislature of Alabama is pleased to note the 95th birthday of Mrs. Fannie Thompson Conley of Montgomery, Alabama, and to honor her for outstanding contributions to education and to the community; and

WHEREAS, a former teacher and principal for a period of more than 50 years, Mrs. Conley retired from the Macon County School System; during her illustrious tenure, she touched the lives of thousands of young boys and girls, challenging them to become the good citizens that are vital to a democratic society; and

WHEREAS, in fostering knowledge, skills and abilities, Mrs. Conley challenged her students to have pride in themselves; she encouraged them to have inquisitive and analytical minds and to develop such attributes as enthusiasm, persistence, and a willingness to work as important traits of good citizenship; and

WHEREAS, Mrs. Conley is a member of the Day Street Baptist Church where she has served as Sunday School teacher, choir member and President of the Missionary Society; she currently is President Emeritus of the Society, Treasurer Emeritus of the Montgomery Antioch Baptist Women's District Convention, and is Mother of Day Street Baptist Church; and

WHEREAS, she further is a member of two federated clubs, a Life Member of both the National and Alabama Associations of Education, a member of the Montgomery Chapter of the Alabama Retired Teachers Association, and is involved in numerous other volunteer church and community activities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise Mrs. Fannie Thompson Conley of Montgomery, Alabama, for extraordinary service and contributions to education and the community; we further congratulate Mrs. Conley on her 95th birthday and direct that she receive a copy of this commendatory resolution of the Alabama Legislature.

On motion of Rep. Holmes, the rules were suspended and the resolution, H. J. R. 215, was adopted.

Also:

By Rep. Hall:

H. R. 216. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. B. 704 OF THE 1985 REGULAR SESSION.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we do respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinions of the following important Constitutional question which has arisen concerning the pending H. B. 704 of the 1985 Regular Session, which bill authorizes the Madison County Commission to levy a sales and use tax in the county, excluding only the city of Huntsville, but including all other municipalities within the county. Copies of said bill are attached to this resolution and made a part hereof by reference.

1. Does H. B. 704 violate any provision of the state or national constitution because of the unequal treatment due to different rates of tax for the municipalities in Madison County?

RESOLVED FURTHER, That the Clerk of the House is hereby directed to send sufficient copies of the pending H. B. 704, with attachments, to the Clerk of the Supreme Court of Alabama and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

On motion of Rep. Hall, the rules were suspended and the resolution, H. R. 216, was adopted.

SPECIAL ORDER RESUMED BUDGET ISOLATION RESOLUTION

On motion of Rep. White (L), Budget Isolation Resolution, H. B. 453, was adopted.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Carter, Clark (D), Clark (W), Coburn, Coleman, Cosby, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Rains, Reed, Rice, Richardson, Rogers, Smith, Starkey, Starr, Tanner, Trammell, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—86

And the bill:

H. 453. To make appropriations for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1986.

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Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 2.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillan, McNair, Marietta, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuit, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—89

Nays: Reps. Brooks and McKee.

—2

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 71. CALLING UPON THE STATE HIGHWAY DEPARTMENT AND THE ALABAMA DEPARTMENT OF PUBLIC SAFETY TO INVESTIGATE AND REMEDY THE DANGEROUS TRAFFIC CONDITIONS EXISTING ON HIGHWAY 67 IN PRICEVILLE, MORGAN COUNTY, ALABAMA.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED
BUDGET ISOLATION RESOLUTION

On motion of Rep. Bryant, Budget Isolation Resolution, H. B. 462, was adopted.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole,

Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Smith, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—94

And the bill:

H. 462. To make appropriations for the support and maintenance of the Marion Military Institute for the fiscal year ending September 30, 1986.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 93; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Smith, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—93

Nay: Rep. Brooks.

—1

BUDGET ISOLATION RESOLUTION

On motion of Rep. Reed, Budget Isolation Resolution, H. B. 471, was adopted.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Biddle, Black, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Smith, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—86

And the bill:

H. 471. To make appropriations for the support and maintenance of the Tuskegee Institute for the fiscal year ending September 30, 1986.

Was taken up.

AMENDMENT OFFERED

Rep. Reed offered the following amendment to the bill, H. 471:

On page 1, lines 20 and 21, delete the language "One Million Five Hundred Ten Thousand Dollars (\$1,510,000)" and insert in lieu thereof:

Two Million Dollars (\$2,000,000)

On page 1, after line 23, insert the following language as a new Section 2 and renumber subsequent sections accordingly:

Section 2. There is also hereby appropriated the sum of Four Hundred Thousand Dollars (\$400,000), out of funds in the Alabama Special Educational Trust Fund, to the Tuskegee Institute; provided, however, this appropriation is conditional upon said sum being matched by Six Hundred Thousand Dollars (\$600,000) from sources other than state appropriations, student fees, federal funds, research grants, and any interest earned thereon. Said monies shall be placed in a trust fund and any interest accruing from said trust fund shall be utilized for the faculty salaries and the establishment of endowments for chair within the Institute.

MOTION TO TABLE LOST

The motion offered by Rep. Holley to table the amendment offered by Rep. Reed to the bill, H. 471, was lost.

Yeas 36; Nays 51.

Yeas:

Reps. Boles, Bowling, Box, Brakefield, Brooks, Burke, Butler, Carothers, Carter, Coburn, Coleman, Cosby, Flowers, Ford, Hammett, Hettinger, Holley, Johnson (RG), Johnson (Roy), Junkins, Laird, Marietta, Martin, Mathis, Moore, Newman, Parker, Payne, Pratt, Sasser, Starkey, Tanner, Trammell, Turner, Turnham and White (L).

—36

Nays:

Mr. Speaker, Adams, Bachus, Beasley, Black, Blake, Blakeney, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Clark (D), Clark (W), Davis, Dutton, Escott, Faulk, Fuller, Gaston, Gray, Grayson, Grouby, Harper, Holmes, Hooper, Kennedy, Kvalheim, Lauderdale, McDowell, McKee, McMillan, McNair, Melton, Mitchell, Newton, Nicholson, Onderdonk, Penry, Perdue, Poole, Preuitt, Reed, Rice, Richardson, Rogers, Spratt, Starr, White (F), White (G) and Zoghby.

—51

AMENDMENT LOST

The question was then on the amendment offered by Rep. Reed to the bill, H. 471, and the amendment was lost.

Yeas 38; Nays 43.

Yeas:

Reps. Adams, Bachus, Black, Blakeney, Bryant, Bugg, Buskey (James), Buskey (John), Clark (D), Clark (J), Clark (W), Davis, Dutton, Escott, Faulk, Fuller, Gray, Grayson, Holmes, Hooper, Kennedy, McDowell, McMillan,

McNair, Melton, Newton, Nicholson, Onderdonk, Penry, Perdue, Poole, Preuitt, Rice, Richardson, Rogers, Spratt, Starr and White (F).

—38

Nays:

Mr. Speaker, Beasley, Biddle, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Burke, Butler, Carothers, Carter, Coburn, Coleman, Crow, Flowers, Ford, Gaston, Grouby, Hammett, Harper, Hettinger, Holley, Johnson (RG), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Martin, Mathis, Mitchell, Newman, Parker, Payne, Pratt, Sasser, Smith, Starkey, Trammell and Turnham.

—43

And the bill, H. 471, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 94; Nays 1.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillan McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—94

Nay: Rep. Brooks.

—1

RESOLUTIONS

The following resolutions were introduced:

By Reps. Browder, Crow, Campbell, Junkins, Tanner, Drake, Burke, Lindsey, Ford, Rains, Bugg, Hall and Smith:

H. J. R. 217. COMMENDING THE JACKSONVILLE STATE UNIVERSITY BASKETBALL TEAM UPON WINNING THE NCAA DIVISION II NATIONAL CHAMPIONSHIP.

WHEREAS, the Jacksonville State University Basketball team has distinguished itself by winning the 1984-85 National Championship in NCAA Division II; and

WHEREAS, the 1984-85 Jacksonville State University basketball team posted the incredible season record of 31 wins against only 1 loss which included 31 consecutive victories which now stands as the nation's longest winning streak by any college basketball team; and

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WHEREAS, the 1984-85 Gamecocks were the regular season and tournament champions of the Gulf South Conference and did not lose a game in conference play; and

WHEREAS, the national champion Jacksonville State University Gamecocks basketball team has brought great recognition to the City of Jacksonville and its citizens as well as to the State of Alabama; and

WHEREAS, the Gamecocks, their coaches and student body are indeed due much credit, not only for their success and sportsmanship but also for their fine school spirit and will to win; and

WHEREAS, the National Champion Gamecocks athletic staff includes not only Head Coach Bill Jones and his able assistants James Hobbs, Greg Yarlett and Phillip Collie, but also team managers Randy Dye, Eric Wilson and Brian Bonds, team trainers Jim Skidmore and David Weeks, team statistician Lisa Wray and scorekeeper Leah Cobb; and

WHEREAS, the National Champion Gamecocks team is composed of: Melvin Allen, Larry Brown, Kelvin Bryant, Kim Bryant, James Dudley, Jesse Feagins, Shawn Giddy, Robert Guyton, Brett Jones, Keith McKeller, Vongohn Munroe, Robert Spurgeon, Earl Warren and Pat Williams; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly commend and congratulate Coach Bill Jones and the 1984-85 Jacksonville State University basketball team for outstanding achievement.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Coach Bill Jones with a copy also provided for appropriate display at the university.

On motion of Rep. Browder, the rules were suspended and the resolution, H. J. R. 217, was adopted.

Also:

By Rep. Cosby:

H. J. R. 218. CONGRATULATING AND COMMENDING THE GRIST YMCA 12-YEAR OLDS BASKETBALL TEAM.

WHEREAS, the Alabama Legislature, in highest commendation, extends heartiest congratulations to the Grist YMCA 12-year olds on their State Basketball Championship, the third State Title in a row for the young Selma cagers; and

WHEREAS, under the leadership of Coach Walter Lewis, the Grist YMCA team, in statewide league competition, defeated Enterprise and Birmingham Northeast, 56-38 and 54-41, respectively, to make the finals; and

WHEREAS, matched against powerhouse Brown YMCA in the championship game, Grist rolled up a big 10-2 lead early in the game and was leading 20-17 at halftime; when the final whistle blew, it was 47-42 and the State Y-Tournament Title for Selma's Grist YMCA; and

WHEREAS, players on the Grist Championship team are: Timmy Sumja, Barry Harvill, Rad Register, Wood Spivey, Morris Henry, Marc Lewis, Brad Kirkpatrick, Lee Frazer, David Pearce, Randall Beers and David Thompson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in highest commendation, we congratulate the State "Y" Basketball Champions, Grist YMCA, and direct that copies of this resolution be provided for appropriate presentation and display.

On motion of Rep. Cosby, the rules were suspended and the resolution, H. J. R. 218, was adopted.

Also:

By Reps. Coleman and Rains:

H. J. R. 219. COMMENDING MR. ROY SANDERSON, CONSERVATION OFFICER OF THE YEAR.

WHEREAS, the naming of Mr. Roy Sanderson as the Conservation Officer of the Year, is a mark beyond measure of personal achievement; and

WHEREAS, Mr. Sanderson, a resident of Guntersville, has served Marshall County as a conservation employee since 1972; and

WHEREAS, Roy Sanderson was cited by the Department of Conservation and Natural Resources for his promotion of conservation, sportsmanship and the stewardship of wildlife resources; and

WHEREAS, Mr. Sanderson, during his tenure of service has worked with diligence and unswerving loyalty to further the cause of the preservation of natural resources and has contributed greatly to the improvement of the lives of the citizens of Marshall County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly praise and commend Mr. Roy Sanderson for outstanding achievement and express our deepest gratitude for his contributions to our state.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Sanderson in small token of our utmost regard.

On motion of Rep. Coleman, the rules were suspended and the resolution, H. J. R. 219, was adopted.

Also:

By Rep. Grouby:

H. R. 220. CLARIFICATION OF LEGISLATIVE INTENT CONCERNING DUTIES AND COMPENSATION OF MEMBERS OF AUTAUGA COUNTY COMMISSION.

WHEREAS, the Legislature passed and the Governor signed on May 21, 1984, H. B. 925 (Act No. 84-394, 1984 Acts, p. 904), relating to the duties and compensation of the members of the Autauga County Commission; and

WHEREAS, the act states, "Beginning with the next terms of office for the members of the Autauga County Commission, each member of said commission is hereby granted discretionary authority to assume and perform for his district certain additional duties and responsibilities which heretofore were administered by the district county commission foreman. Provided, however, if any such member elects to assume and perform such duties for his district, such member shall not during such time be engaged in any other business or employment for remuneration, salary or other compensation.

"In lieu of any salaries heretofore provided by law for the members of the Autauga County Commission, commencing with the next term of office, each member thereof shall be entitled to an annual salary of \$18,000 which shall be paid in equal monthly installments from the county general fund"; and

WHEREAS, the wording in the act leaves some question as to the intent of the Legislature concerning the members of the commission who are entitled to the compensation provided; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, That it is the intent of the Legislature that only such member or members of the commission, who under the discretionary authority granted in the act elect to assume and perform the duties of the district county commission foreman and who comply with other conditions provided in the act, shall be entitled to an annual salary of \$18,000 in lieu of any salaries heretofore provided by law.

On motion of Rep. Grouby, the rules were suspended and the resolution, H. R. 220, was adopted.

Also:

By Rep. Lindsey:

H. J. R. 221. COMMENDING JIMMY LANGLEY OF CLEBURNE COUNTY, ALABAMA, AS AN OUTSTANDING EMERGENCY MEDICAL TECHNICIAN.

WHEREAS, the Legislature of Alabama notes with highest commendation that Jimmy Langley of Cleburne County, Alabama, has been named as an outstanding emergency medical technician for 1984 by East Alabama Emergency Medical Services; and

WHEREAS, Mr. Langley is Chief of Hollis Crossroads Volunteer Fire Department and First Response Unit in Cleburne County and also is a volunteer EMT with Oxford Emergency and Rescue Squad; and

WHEREAS, as the recipient of the EMT-Intermediate of the Year Award, Chief Langley was cited for his organization of an emergency medical response team in his department and for his volunteer teaching of an emergency first responder course; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Jimmy Langley of Cleburne County, Alabama, for outstanding service as an emergency medical technician; we further most heartily congratulate Mr. Langley as EMT-Intermediate of the Year, 1984, and direct that he receive a copy of this resolution in token of our deep appreciation, admiration and esteem.

On motion of Rep. Lindsey, the rules were suspended and the resolution, H. J. R. 221, was adopted.

Also:

By Rep. Bugg:

H. J. R. 222. COMMENDING MR. AND MRS. MILFORD H. SMITH ON THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama House of Representatives notes with pleasure the Golden Wedding Anniversary on June 9, 1984, of Mr. and Mrs. Milford H. Smith of the Ivalee Community near Attalla in Etowah County, Alabama; and

WHEREAS, on June 9, 1934, Wilford Howard Smith and Sarah Eugenia Powell were united in marriage by the Reverend B. F. Tingle in Attalla and have remained in said Holy state for the past 50 years; and

WHEREAS, they have lived their lives as one, devoted each to the other, and, forsaking all others, have been steadfastly faithful to their marriage vows, setting an enviable example for others; and

WHEREAS, Mr. Smith, a United States Navy veteran, is retired from his career of some 42 years with Republic Steel, and Mrs. Smith is a former assistant manager of the Ivalee Elementary School lunchroom, a longtime volunteer PTA worker and past president, and is a charter member, former president and treasurer of Red Hill United Methodist Women; and

WHEREAS, Mr. and Mrs. Smith are the parents of three sons and two daughters; they also have six grandsons and three granddaughters who, along with other family members and friends, were in attendance at a lovely reception held June 3, 1984, at Red Hill United Methodist Church and hosted by the honorees' children; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary Etowah County couple, Mr. and Mrs. Milford H. Smith of Ivalee, Alabama; we further wish them many more happy years together and direct that they receive a copy of this resolution expressing our sincere best wishes on their Golden Wedding Anniversary.

On motion of Rep. Bugg, the rules were suspended and the resolution, H. J. R. 222, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Starr, the rules were suspended in order to take up out of order the bill, H. 103 for which, the bill, S. 68, was substituted on the fifteenth legislative day.

H. 103 INDEFINITELY POSTPONED

On motion of Rep. Starr, the bill:

H. 103. (With Amendment): To amend Section 41-16-50 and Section 41-16-57, Code of Alabama 1975, relating to the expenditure of public funds for leases and related to the expenditure of public funds awarding lease purchase contracts; to establish an effective date.

Was indefinitely postponed.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Campbell, Budget Isolation Resolution, H. B. 115, was adopted.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Biddle, Black, Blake, Boles, Box, Britnell, Brooks, Browder, Bryant, Burke, Burkey (James), Buskey (John), Butler, Campbell, Carothers, Clark (D), Clark (J), Crow, Davis, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, McNair, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Parker, Payne, Penry, Perdue, Poole, Pratt, Rains, Rice, Richardson, Rogers, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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And the bill:

H. 115. (With Substitute): To establish the Alabama Endowment Trust Fund for Eminent Scholars; provides that the Alabama Commission on Higher Education shall administer the trust fund; provides for investment of appropriated funds and for the use of accrued interest; provides for matching of funds; provides for the creation of separate foundation trust funds for each university; provides for pledged funds and for the expending of the funds; and provides an appropriation.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To establish the Alabama Endowment Trust Fund for Eminent Scholars; provides that the Alabama Commission on Higher Education shall administer the trust fund; provides for investment of appropriated funds and for the use of accrued interest; provides for matching of funds; provides for the creation of separate foundation trust funds for each university; provides for the expending of the funds; and provides an appropriation.

Be It Enacted by the Legislature of Alabama:

Section 1. The Legislature recognizes that the following public universities in Alabama which grant baccalaureate degrees and are independently accredited by the Southern Association of Colleges and Schools—the University of Alabama in Huntsville, the University of Alabama in Birmingham, The University of Alabama, Auburn University, Jacksonville State University, Troy State University, the University of North Alabama, the University of South Alabama, Livingston University, the University of Montevallo, Alabama State University, and Alabama A & M University—would be greatly strengthened by the addition of distinguished scholars serving as resident faculty members.

It further recognizes that support from sources other than state appropriations, student fees, federal funds, research grants, and any interest earned thereon will help strengthen the commitment of citizens and organizations

in promoting excellence in these state universities. It is therefore the intent of the Legislature to establish a trust fund to provide the opportunity to each of these institutions to receive grants from such trust fund to create endowments for selected eminent scholars to occupy chairs within the university's faculty.

Section 2. There is hereby established the Alabama Trust Fund for Eminent Scholars to provide challenge grants to the public state universities in Alabama named in Section 1. The Trust Fund shall be administered by the Alabama Commission on Higher Education in accordance with the guidelines as set forth in this Act. The Legislature shall designate funds to be transferred to the Trust Fund from the Special Educational Trust Fund. All appropriated funds deposited into the Trust Fund shall be invested by the Alabama Commission on Higher Education pursuant to the provisions of Section 16-13-2, Code of Alabama 1975. Interest income accruing to that portion of the trust fund not matched shall increase the total funds available for challenge grants.

Section 3. The associated foundations that serve the respective universities shall solicit and receive contributions, from sources other than state appropriations, student fees, federal funds, research grants and any interest earned thereon, to provide funds to match the Alabama Trust Fund for Eminent Scholars challenge grants for the establishment of endowments for chairs within the universities. The amount appropriated to the Alabama Trust Fund for Eminent Scholars shall be allocated by the Alabama Commission on Higher Education to each university on the basis of one \$400,000 grant for each \$600,000 raised by the respective university's foundation, by contributions and accrued interest thereon, from sources other than the state appropriations, student fees, federal funds, research grants, and any interest earned thereon.

Section 4. Such challenge grants shall be matched by the university's foundation on a basis of three dollars of contributions and accrued interest thereon, received by said university's foundation for every two dollars in challenge grant money from the Alabama Trust Fund for Eminent Scholars. Matching funds shall come from contributions, and accrued interest thereon, received by such university's foundation after October 1, 1985 which are for the Eminent Scholars Fund or from unpledged contributions, and accrued interest thereon, received by such university's foundation. Each university's foundation shall establish an Eminent Scholars Fund Account for each grant, which shall serve as the depository for funds received pursuant to this Act. State matching funds in the amount of \$400,000 shall be transferred by the Alabama Commission on Higher Education to a university's foundation within 90 days of notification, by such university's foundation to the Alabama Commission on Higher Education, that such university's foundation has received and deposited \$600,000 in its Eminent Scholars Trust Fund Account. But no matching funds shall be transferred by the Alabama Commission on Higher Education until the Alabama Commission on Higher Education has verification, in the form of a current bank statement, from the respective university's foundation that such university's foundation has a total of at least \$600,000 in its Eminent Scholars Fund.

Section 5. Each public state university named in Section 1 is entitled to match an equal share of the total monies appropriated to the Alabama Eminent Scholars Trust Fund prior to September 30, 1987 or for two years after any subsequent appropriation made by the Legislature. Any funds hereby allocated to the Alabama Eminent Scholars Trust Fund, which remain

unmatched by contributions, as outlined above, on September 30, 1987, shall be available for matching by any university foundation on the following basis: On September 30, 1987, any university foundation which has previously received a challenge grant may apply for any remaining funds and the Alabama Commission on Higher Education shall award matching challenge grants in equal amounts to the applying foundations upon certification of the availability of matching funds. The matching ratio for these grants shall be the same as outlined in Section 4 of this Act. These funds and its matching amount may be used by a university foundation to increase its existing Eminent Scholars Fund or to establish an additional Eminent Scholars Fund.

Section 6. The foundation serving a university shall have the responsibility for the maintenance and investment of its fund and for the administration of the program at that university. The governing board of each foundation shall be responsible for soliciting and receiving gifts to be used as matching funds to be deposited and matched with challenge grants from the Alabama Trust Fund for Eminent Scholars for the establishment of the endowments for the specified university. Once an endowment is established and operating, there may be further challenge grants to be matched for the establishment of more chairs. The total amount of challenge grants received by a university foundation shall not exceed its equal share of the amount appropriated to the Alabama Trust Fund for Eminent Scholars plus its equal share of any funds unmatched by other university foundations by September 30, 1987. Through the 1987-88 fiscal year, the Alabama Commission on Higher Education shall include in its annual report to the Legislature information concerning distribution of the appropriation, and accrued interest thereon, of the Alabama Trust Fund for Eminent Scholars.

Section 7. When the sum of the challenge grant and matching funds reaches \$1,000,000, the foundation and the president of the university may recommend, to the Board of Trustees of the university for its approval, the establishment of an endowed chair. The Board of Trustees must approve the recommendation in order for the chair to be established. The chair, which is then the property of the university, may be named in honor of a donor, benefactor, or honoree of the university, at the option of the university.

Section 8. (a) The president shall be responsible for the final approval of criteria to be used in the selection process for the individual to fill the endowed chair.

(b) The president of the university shall nominate individuals for consideration as candidates, or individuals may apply to the foundation for consideration as candidates. Candidates for the chairs may or may not be currently employed as faculty members of the granting university; however, a candidate not so employed must become employed as a faculty member by the granting university upon acceptance of the chair.

(c) The president of the university may establish a committee to process each application or nomination. Final selection of an individual shall follow the regular procedures established by the university.

(d) Upon the approval of the president, proceeds of the endowment may be used as salaries or a supplement for salaries for the holder of the chair and for those individuals directly associated with the holder of the chair's scholarly work and for other expenses directly related to the chair's scholarly work.

Section 9. The respective university foundation receiving a challenge grant from the Alabama Trust Fund for Eminent Scholars shall enter into

a written agreement with its university to provide from the earnings from its Eminent Scholars Trust Fund an amount not to exceed said earnings which the university may use as specified in this Act in Section 8(d).

Section 10. The provisions of this Act shall apply to any future appropriations made by the Legislature for the Eminent Scholars Program.

Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 13. This Act shall become effective on October 1, 1985.

And the substitute was adopted.

Yeas 78; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Biddle, Black, Boles, Bowling, Box, Britnell, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Crow, Davis, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, McNair, Marietta, Martin, Mathis, Mitchell, Moore, Newman, Newton, Nicholson, Parker, Payne, Penry, Perdue, Poole, Pratt, Rains, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—78

Nay: Rep. McKee.

—1

AMENDMENT OFFERED

Rep. Adams offered the following amendment to the bill, H. 115 as amended:

Delete Section 1 on page 1, lines 32 through 39, and page 2, lines 6 through 9, and in lieu thereof insert the following new Section 1:

Section 1. The legislature recognizes that those public universities in Alabama which offer doctorate level degrees would be greatly strengthened by the addition of distinguished scholars serving as resident faculty members.

In Section 2, page 2, on lines 22 and 23, delete the words "named in Section 1" and in lieu thereof insert the following language:

which offer doctorate level degrees.

AMENDMENT TABLED

On motion of Rep. Campbell, the amendment offered by Rep. Adams to the bill, H. 115 as amended, was tabled.

REGULAR SESSION
16th Day

945

Yeas 62; Nays 35.

Yeas:

Mr. Speaker, Albright, Black, Blake, Boles, Box, Brakefield, Britnell, Browder, Bryant, Buskey (James), Buskey (John), Campbell, Carothers, Carter, Clark (W), Coleman, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Grayson, Grouby, Harvey, Holley, Holmes, Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, McDowell, McNair, Martin, Mathis, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Rogers, Sasser, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turnham, Warren, White (F) and Zoghby.

—62

Nays:

Reps. Adams, Bachus, Beasley, Beers, Bowling, Brooks, Burke, Butler, Clark (D), Clark (J), Coburn, Cosby, Gaston, Goodwin, Hall, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Kvalheim, Laird, McKee, McMillan, Marietta, Mikell, Penry, Rains, Rice, Richardson, Starr, Turner, Venable, White (G) and White (L).

—35

AMENDMENT OFFERED

Rep. Starr offered the following amendment to the bill, H. 115 as amended:

Amend Substitute for House Bill 115, Section 1, by inserting immediately after Auburn University on line 37, page 1, the following:

“Auburn University at Montgomery”

AMENDMENT TABLED

On motion of Rep. Campbell, the amendment offered by Rep. Starr to the bill, H. 115 as amended, was tabled.

Yeas 52; Nays 34.

Yeas:

Mr. Speaker, Albright, Blake, Boles, Box, Brakefield, Browder, Bryant, Bugg, Burke, Buskey (John), Campbell, Carter, Clark (W), Coleman, Crow, Davis, Escott, Faulk, Flowers, Ford, Gray, Hall, Harper, Holley, Johnson (Roy), Junkins, Kennedy, Lauderdale, McDowell, McNair, Marietta, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Rains, Rogers, Spratt, Starkey, Thomas, Trammell, Turner and Zoghby.

—52

Nays:

Reps. Adams, Beasley, Blakeney, Bowling, Brooks, Buskey (James), Butler, Carothers, Clark (D), Clark (J), Coburn, Cosby, Fuller, Gaston, Hammett,

Hettinger, Hooper, Johnson (RG), Kvalheim, Laird, McKee, McMillan, Mathis, Mikell, Preuitt, Rice, Richardson, Smith, Starr, Turnham, Venable, Warren, White (F) and White (L).

—34

And the bill:

H. 115. To establish the Alabama Endowment Trust Fund for Eminent Scholars; provides that the Alabama Commission on Higher Education shall administer the trust fund; provides for investment of appropriated funds and for the use of accrued interest; provides for matching of funds; provides for the creation of separate foundation trust funds for each university; provides for the expending of the funds; and provides an appropriation.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 101; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—101

Nay: Rep. McKee.

—1

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 115:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillan, McNair, Marietta, Mathis, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Thomas, Trammell, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 71. CALLING UPON THE STATE HIGHWAY DEPARTMENT AND THE ALABAMA DEPARTMENT OF PUBLIC SAFETY TO INVESTIGATE AND REMEDY THE DANGEROUS TRAFFIC CONDITIONS EXISTING ON HIGHWAY 67 IN PRICEVILLE, MORGAN COUNTY, ALABAMA.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Coburn, Budget Isolation Resolution, H. B. 788, was adopted.

Yeas 87; Nays 2.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—87

Nays: Reps. Bachus and McMillan.

—2

H. 788 TEMPORARILY POSTPONED

On motion of Rep. Coburn, the bill, H. 788, was temporarily postponed.

RECESS

On motion of Rep. Johnson (Roy), the House stood in recess to the call of the Chair.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Rains and Coleman:

H. J. R. 223. COMMENDING KELTON DENDY OF ALBERTVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND COMMUNITY SERVICE.

WHEREAS, Kelton Dendy of Albertville, Alabama, is a retired retail merchant who owned and operated a highly successful business for some 35 years prior to his 1984 retirement; and

WHEREAS, Mr. Dendy, who is a native of Marshall County, has resided on Sand Mountain for the great majority of his lifetime, with the exception of military duty with the 81st Wildcat Division in the Pacific Theatre during World War II; he also worked for several years with the State Health Department in Jackson County before returning to Albertville in 1948 to establish his business partnership; and

WHEREAS, since 1955, however, he has worked in sole proprietorship, gradually changing his operation from a general store to an exclusive and well-established men's clothing store; and

WHEREAS, Mr. Dendy, in addition to notable contributions to the business community, also has long been actively involved in a number of civic, charitable and other community affairs including the Chamber of Commerce as a past president and in other leadership capacities; and

WHEREAS, he further has been a longstanding member and officer in the local Lions Club, has served his church as a deacon and in various committee assignments, and played an instrumental role in the Renovation of Downtown Albertville; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Kelton Dendy of Albertville, Alabama, for outstanding achievement and as a prominent civic and community leader.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Dendy that he and his family may know of our sincere praise and regard, and of our warm best wishes for his every future success and happiness.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 223, was adopted.

Also:

By Rep. Rains:

H. R. 224. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. B. 59.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we respectfully request the

Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinions on the following important constitutional question which has arisen concerning the pending H. B. 59, pertaining to levying a statewide finance charge on forest lands.

Thirty-seven counties have levied a finance charge on forest lands by either a statewide constitutional amendment, a local constitutional amendment or by a local law. The electors of the counties implementing said finance charge by constitutional amendment were entitled to vote on the question of implementing the levy. Since over one-half of the counties have levied said finance charge, it may be argued that the electors in those counties have already had an opportunity to express their desires on said charge. It may be contended that these electors are not entitled to vote on whether the charge should be implemented in the other counties. It may be argued that said electors will favor implementing said finance charge in the counties that do not presently have said charge, since the charge will not have additional effect on their counties and said electors will desire others to have the same tax liabilities as they possess. It may be argued that H. B. 59 of the 1985 Regular Session permits taxation of the minority by the majority.

1. Does H. B. 59 of the 1985 Regular Session violate the provisions of the 14th Amendment to the United States Constitution?

2. Does H. B. 59 of the 1985 Regular Session violate Article IV, Section 4 of the United States Constitution?

3. Does H. B. 59 of the 1985 Regular Session violate any other provision of the United States Constitution?

RESOLVED FURTHER, That the Clerk of the House of Representatives is hereby directed to send sufficient copies of the pending bill, H. B. 59, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.

On motion of Rep. Rains, the rules were suspended and the resolution, H. R. 224, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Mathis (With Notice and Proof):

H. 880. Relating to Geneva County to amend Section 1 of Act 79-585, Acts of Alabama, page 1045; relating to the clerk hire allowances paid to the tax assessor and tax collector, so as to provide further for such allowances for the period of time from August 1, 1979 through July 31, 1982; and to provide retroactive effect for such period of time.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 880, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Mathis (With Notice and Proof):

H. 881. Relating to Geneva County; providing for the mode of establishing the construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges, and ferries of Geneva County, providing for an advisory referendum called for such purpose; and providing for an effective date.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 881, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Mathis (With Notice and Proof):

H. 882. Relating to Geneva County; providing for election of the members of the county commission from districts to be defined by the present commission, as provided by law; providing for an advisory referendum by the qualified electors of Geneva County; providing for the members of the commission to reside within the district they represent throughout their terms.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 882, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Mathis (With Notice and Proof):

H. 883. Relating to Geneva County; to establish a civil service system for Geneva County; to provide a policy for the administration of this act; to divide positions in the county into classified and exempt services, and to provide for changes between such services; to provide a status for present employees; to provide personnel rules and personnel plans for Geneva County; to provide for the appointment of members of the personnel board; and to provide for their successors in office; to provide for the adoption, amendment and repeal of rules, regulations, determinations, job classification plans, pay plans, and mandatory and/or permissive retirement plans to effectuate the purposes of this act; to provide for the employment of persons with competitive examination; to provide for temporary appointments and the manner in which and the extent to which they shall be made permanent; to provide for the establishment of lists of persons eligible for employment and to establish the manner in which such lists shall be used; to establish a period of probation for certain county employees; to provide for rules governing working hours and leaves of absence; to provide for the laying off of employees; to establish the manner in which employees may be disciplined and to provide a procedure under which certain employees may protest such disciplinary action; to give the personnel board the authority to require the attendance of witnesses and the production of documents at such proceeding and to establish penalties for failure to attend or produce records as required

to provide for an appeal from decisions of such board in such protests; to require such board to maintain certain records; to prohibit and fix the punishment for certain political activity by certain employees of the county; to provide for the expenses of such board; and to guarantee certain rights to the governing body of Geneva County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 883, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Campbell:

H. 884. To provide further for the compensation of supreme court and appellate court judges; and to make the provisions of this act effective October 1, 1985.

Committee on Ways and Means.

By Reps. Hooper, McMillan, Rice, Starr, Flowers, Butler, Turnham, Gray, White (G), Coleman, Hammett and Bachus:

H. 885. To amend Section 16-6A-5, Code of Alabama 1975, which provides for the Governor's Educational Reform Commission, so as to provide further for membership on said commission.

Committee on State Administration.

By Rep. Payne:

H. 886. To create and establish the "Keep the Stallions in Alabama Trust Fund" in the state treasury; to provide for financing of such fund through voluntary contributions to such fund by means of a state income tax checkoff; to prescribe certain duties for the state revenue department and the state treasurer in connection with such checkoff contributions; to provide for reimbursing the revenue department for the additional cost of collecting and handling such contributions; to provide for a certain board of trustees for such fund; to regulate the use of such fund; to provide for private donations to such fund and to provide that this act shall have retroactive effect to January 1, 1985.

Committee on Ways and Means.

By Rep. Campbell:

H. 887. To amend Section 44-1-26, Code of Alabama 1975, relating to subsidies from the department of youth services for certain juvenile probation officers; to establish classifications for minimum starting salaries for four levels of such officers in the counties, and to provide for the department of youth services to subsidize said salaries and increases; to require counties to maintain certain funding, to make a supplemental appropriation for the fiscal year ending September 30, 1986.

Committee on Ways and Means.

By Rep. Johnson (Roy):

H. 888. Relating to state health planning; to further provide and clarify the requirement for the issuance of a certificate of need prior to the change in use or conversion of any bed from one health care service to another.

Committee on Health.

By Reps. Mitchell, Smith, Johnson (Roy) and Poole:

H. 889. To authorize and provide for the promotion of the production, marketing, use and sale of catfish and catfish products by research, education, advertising and other methods; to prescribe a method whereby catfish producers may act jointly with handlers, buyers, dealers, processors, manufacturers and distributors of catfish feed, the state board of agriculture and industries, and others, for a promotional program; to provide that producers may by referendum levy upon themselves assessments for financing a promotional program and for the collection, disbursements and expenditures of funds collected from assessments; to provide for the regulations, requirements and authority relative thereto; to provide for refund of assessments; to prescribe duties of the commissioner of agriculture and industries and the state board of agriculture and industries with respect to a promotional program for the catfish producers of Alabama; to provide for the administration thereof by a commission, council, board or other agency or a nonprofit association which is fairly and substantially representative of the producers of catfish throughout the state; to provide for collection and distribution of assessments by dealers, handlers, buyers, manufacturers and distributors of catfish feed; to require an annual permit of such dealers, handlers, buyers, manufacturers and distributors of catfish feed; and to prescribe other administrative, enforcement, promotional and penalty provisions.

Committee on Agriculture and Forestry.

By Rep. Grouby:

H. 890. Proposing an amendment to the Constitution of Alabama of 1901 relative to the fees and compensation of the judge of probate of Autauga County.

Committee on Judiciary.

The above bill was read a first time at length as required by the Constitution.

By Reps. Mitchell, Smith, Johnson (Roy) and Poole:

H. 891. To propose an amendment to the Constitution of Alabama of 1901, relating to the promotion of production, distribution, improvement, marketing, use and sale of catfish and catfish products; and to provide for assessment and fees to pay for the cost thereof.

Committee on Agriculture and Forestry.

The above bill was read a first time at length as required by the Constitution.

By Rep. Escott:

H. 892. To amend §27-8-10, Code of Alabama 1975.

Committee on Insurance.

By Rep. Bryant (With Notice and Proof):

H. 893. Relating to Perry County; creating a districting commission to establish district lines for the Perry County Commission and Perry County board of education; providing for the appointment of the members of the districting commission; providing for the number of districts; providing for

the composition of the Perry County board of education and Perry County Commission; and providing for election of members of the board of education and county commission from single-member districts.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 893, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Grouby:

H. 894. To create and establish a state forest industrial development board; to provide for the membership and meetings of such a board; to prescribe the responsibilities and functions for such board; and to make an appropriation from the state general fund for such board.

Committee on Ways and Means.

By Reps. Turnham and Clark (J):

H. 895. To amend Section 12-18-87, Code of Alabama, 1975, which provides for the benefits for probate judges so as to provide, in addition to benefits now received, a graduated percentage cost-of-living increase to all spouses of probate judges retired under the Judicial Retirement Fund of Alabama.

Committee on Ways and Means.

By Reps. Rains and Coleman (With Notice and Proof):

H. 896. To alter or rearrange the boundary lines of the City of Albertville, Marshall County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Marshall County, Alabama.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 896, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Carter and Clark (D) (With Notice and Proof):

H. 897. Relating to Limestone County; levying an additional ad valorem tax in the county to be used for general county purposes and providing for a referendum on such additional taxes.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 897, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Thomas (With Notice and Proof):

H. 898. Relating to Lowndes County; to authorize the county board of education to appoint the superintendent of education for the county.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 898, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Thomas (With Notice and Proof):

H. 899. Relating to Lowndes County; to amend Section 2 of Act No. 83-425, S. 360, of the 1983 Regular Session (Acts 1983, p. 604), relating to the distribution of the beer tax levied by Act No. 82-344, H. 165, Regular Session 1982, (Acts 1982, p. 473), so as to provide further for the distribution thereof.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 899, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Thomas (With Notice and Proof):

H. 900. Relating to Lowndes County; creating a districting commission to establish district lines for the Lowndes County Commission and Lowndes County board of education; providing for the appointment of the members of the districting commission; providing for the number of districts; providing for the composition of the Lowndes County board of education and Lowndes County Commission; and providing for election of members of the board of education and county commission from single-member districts.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 900, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Clark (J):

H. 901. To regulate the purchasing by public agencies of materials made by foreign governments for highway construction.

Committee on Natural Resources.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Goodwin:

S. 240. To amend Section 36-22-63, Code of Alabama 1975, relating to the purchase of prior service credit for participation in the supernumerary sheriff's program, so as to extend the time within which such a purchase may be made.

Also:

By Senators Goodwin, Bishop, Menton, Bennett and Strong:

S. 88. To amend Section 36-22-16 of the Code of Alabama 1975, so as to provide for the compensation of the sheriffs of the several counties in this state.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 240. State Administration.

S. 88. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Amari:

S. 12. To provide a procedure whereby a person whose primary condition is mental retardation and who is accused of a crime may be identified by appropriate testing procedures between the time of his arrest and first formal court appearance so that insofar as is possible within the existing criminal justice system, such individual can be most fairly processed in view of his special problems.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 12. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator deGraffenried:

S. 60. To amend Section 10-3A-2(8) of the Code of Alabama 1975, which section relates to the Alabama Nonprofit Corporation Act, so as to amend the definition of members to include a domestic or foreign nonprofit corporation.

Also:

By Senators Corbett, Bedsole and Teague:

S. 76. To further provide for the payment of benefits to spouses upon the death of a district judge.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 60. Judiciary.

S. 76. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Amari:

S. 29. Relating to sales representatives; requiring written contracts between sales representatives and principles when commissions are involved; requiring the principal to furnish the representative with a signed copy of the contract; providing for the payment of commissions upon termination of certain agreements; providing for civil damages; providing an effective date.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 29. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Senators Bedford, Foshee, Langford, Smith (J), Drinkard, Bedsole, Cooley, Figures, Barron and Hilliard:

S. 218. To amend Section 12-13-20, Code of Alabama, 1975, as amended, which relates to salaried probate judges' minimum compensation so as to further provide for such compensation.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 218. Local Government.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions and House Bill hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:15 A.M. on April 4, 1985.

H. J. R. 140.

H. J. R. 142.

H. J. R. 143.

H. J. R. 145.

H. J. R. 146.

H. J. R. 148.

H. J. R. 150.

H. J. R. 151.

H. J. R. 156.

H. J. R. 164.

H. J. R. 165.

H. J. R. 166.

H. J. R. 173.

H. J. R. 174.

H. J. R. 175.

H. J. R. 177.

H. J. R. 182.

H. J. R. 188.

H. J. R. 189.

H. J. R. 191.

H. J. R. 193.

H. J. R. 194.

H. J. R. 197.

H. J. R. 198.

H. J. R. 199.

H. J. R. 202.

Delivered to the Governor at 1:35 P.M. on April 4, 1985.

H. J. R. 205.

H. J. R. 206.

H. J. R. 209.

Delivered to the Governor at 2:10 P.M. on April 4, 1985.

H. 149.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Burke, and pursuant to the motion heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, April 9, 1985.

SEVENTEENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, April 9, 1985

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Danny Doss, Hope Hull Methodist Church, Hope Hull, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the sixteenth legislative day and finds the same to be correct.

JIMMY CLARK.
Chairman.

On motion of Rep. Clark, (J), the reading at length of the Journal of the House for the sixteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the sixteenth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Bachus, leave of absence was granted for Rep. Seibels, due to illness.

BILLS ON SECOND READING

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 880. Relating to Geneva County to amend Section 1 of Act 79-585, Acts of Alabama, page 1045; relating to the clerk hire allowances paid to the tax assessor and tax collector, so as to provide further for such allowances for the period of time from August 1, 1979 through July 31, 1982; and to provide retroactive effect for such period of time.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 881. (With Amendment): Relating to Geneva County; providing for the mode of establishing the construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Geneva County, providing for an advisory referendum called for such purpose; and providing for an effective date.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 882. Relating to Geneva County; providing for election of the members of the county commission from districts to be defined by the present commission, as provided by law; providing for an advisory referendum by the qualified electors of Geneva County; providing for the members of the

commission to reside within the district they represent throughout their terms.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 883. (With Amendment): Relating to Geneva County; to establish a civil service system for Geneva County; to provide a policy for the administration of this act; to divide positions in the county into classified and exempt services, and to provide for changes between such services; to provide a status for present employees; to provide personnel rules and personnel plans for Geneva County; to provide for the appointment of members of the personnel board; and to provide for their successors in office; to provide for the adoption, amendment and repeal of rules, regulations, determinations, job classification plans, pay plans, and mandatory and/or permissive retirement plans to effectuate the purposes of this act; to provide for the employment of persons with competitive examination; to provide for temporary appointments and the manner in which and the extent to which they shall be made permanent; to provide for the establishment of lists of persons eligible for employment and to establish the manner in which such lists shall be used; to establish a period of probation for certain county employees; to provide for rules governing working hours and leaves of absence; to provide for the laying off of employees; to establish the manner in which employees may be disciplined and to provide a procedure under which certain employees may protest such disciplinary action; to give the personnel board the authority to require the attendance of witnesses and the production of documents at such proceeding and to establish penalties for failure to attend or produce records as required to provide for an appeal from decisions of such board in such protests; to require such board to maintain certain records; to prohibit and fix the punishment for certain political activity by certain employees of the county; to provide for the expenses of such board; and to guarantee certain rights to the governing body of Geneva County.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 893. Relating to Perry County; creating a districting commission to establish district lines for the Perry County Commission and Perry County board of education; providing for the appointment of the members of the districting commission; providing for the number of districts; providing for the composition of the Perry County board of education and Perry County Commission; and providing for election of members of the board of education and county commission from single-member districts.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 897. (With Amendment): Relating to Limestone County; levying an additional ad valorem tax in the county to be used for general county purposes and providing for a referendum on such additional taxes.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Parker:

H. 902. Proposing an amendment to the Constitution of Alabama, 1901, relating to school district tax for the City of Hartselle, Morgan County, which shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled.

Committee on Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Rep. Nicholson (With Notice and Proof):

H. 903. To provide for an expense allowance for the circuit and district judges of the Fourteenth Judicial Circuit; to be paid by the county comprising such circuit; to fix the amount and method of payment of such expense allowance; and to provide that no retirement contributions shall be deducted from the expense allowance.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 903, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Nicholson (With Notice and Proof):

H. 904. Relating to Walker County; providing additional revenue in Walker County to be used exclusively for the purpose of developing industrial parks or other industrial development purposes within the county; levying a county privilege or license tax paralleling state privilege or license tax on businesses of renting rooms, lodging or accommodations to transients as provided for in Title 40, Chapter 26, of the Code of Alabama 1975, as heretofore or hereafter amended or supplemented; providing for the ascertainment, collection, payment, distribution and use of the proceeds of such tax, and for the enforcement of the act by the state department of revenue; and prescribing penalties and fixing punishment for violation of this act.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 904, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. McKee:

H. 905. To enact a law relating to the qualifications of persons to serve in state service.

Committee on Judiciary.

By Rep. Turnham:

H. 906. To amend Section 16-48-12, Code of Alabama 1975, which provides for the duties of the police officers at Auburn University, so as to provide further for the powers of said officers.

Committee on Local Legislation No. 1.

By Reps. Fuller and Laird (With Notice and Proof):

H. 907. Relating to Chambers County; to provide for a guaranteed minimum starting wage or salary for all municipal law enforcement officers of the county; to provide for the enforcement of the provisions of this act; and to provide that this act shall be effective October 1, 1986.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 907, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Newton, Davis, White (G), Spratt, McNair, Campbell, Brooks, Bachus, Kennedy, Rogers, Perdue, and Gray:

H. 908. Relating to judicial administration and procedures; amending Section 12-3-26 of the Code of Alabama 1975, relating to powers and duties of the clerks of the appellate courts of this state, so as to provide further for such powers and duties and amending Rule 4 of the Alabama Rules of Appellate Procedure, prescribing when appeals may be taken, so as to provide further for the time period for taking such appeals.

Committee on Judiciary.

By Rep. Starr:

H. 909. To amend Section 40-18-21, Code of Alabama 1975, as last amended, relating to credit for taxes paid on income from sources outside the state of Alabama, so as to add credit for taxes paid on income from foreign countries.

Committee on Ways and Means.

By Reps. Bowling, Drake, White (F), Holley, Turnham, Clark (J), Butler, Smith, Mitchell, Brakefield, Carter, and Britnell:

H. 910. To amend Section 7-9-307 of the Code of Alabama 1975, so as to provide that a buyer in ordinary course of business of livestock takes free of a security interest created by the seller.

Committee on Agriculture and Forestry.

By Rep. Black (With Notice and Proof):

H. 911. Relating to Greene County; creating a districting commission to establish district lines for the Greene County Commission and Greene County board of education; providing for the appointment of the members of the districting commission; providing for the number of districts; providing for the composition of the Greene County board of education and Greene County Commission; and providing for election of members of the board of education and county commission from single-member districts.

Committee on Local Legislation No. 1.

REGULAR SESSION
17th Day

963

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 911, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Laird and Fuller (With Notice and Proof):

H. 912. Relating to Chambers County; to provide for the mailing addresses of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 912, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Pratt (With Notice and Proof):

H. 913. Relating to Jefferson County; requiring the county commission to construct a new jail facility adjacent to the county courthouse annex in Bessemer; to provide space on the seventh floor of the county courthouse annex in Bessemer for the Assistant District Attorney and the Assistant District Attorney's personnel, to provide space on the seventh floor of the county courthouse annex in Bessemer for two courtrooms and judge's offices and attending Circuit Clerk's space; to provide space in the basement of the county courthouse annex in Bessemer for a Circuit Court law library; to provide certain office space in the county courthouse in Bessemer for certain personnel in the Sheriff's department; and to make certain office space provisions in the county criminal justice building in Birmingham for certain personnel in the Sheriff's department.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 913, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Onderdonk, Marietta, Hooper, Blakeney, Faulk, Campbell, Lauderdale, and Venable:

H. 914. To provide protection from civil liability to persons rendering assistance in mitigating of preventing hazardous materials accidents.

Committee on Judiciary.

By Rep. Harvey (With Notice and Proof):

H. 915. Relating to Blount County; to authorize the Board of Health of said County to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged and to provide for the approval of such fee schedule by the County Commission of Blount County, Alabama.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 915, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Rogers:

H. 916. To provide for the regulation and disposal of waste tires; to provide that the State Department of Environmental Management shall enter into a contract with a service contractor which provides for development of a waste tire management and disposal plan and provides for the service contractor to manage the disposal of waste tires; to provide that the Department of Environmental Management shall adopt rules and regulations relating to the management and disposal of waste tires; to levy a tire disposal fee; create a tire disposal fund and provide for disbursements from such fund; to provide that the Director of the Department of Environmental Management may institute proceedings for injunctive relief for persons who violate this act and to provide penalties for violation of this Act.

Committee on State Administration.

By Reps. Bowling and Drake (With Notice and Proof):

H. 917. Relating to Cullman County; authorizing the county commission to levy and collect additional sales and use taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975, as amended, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the State Department of Revenue; providing for certain exemptions; prescribing penalties and fixing punishment for violation of this act; and providing an advisory referendum.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 917, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Bowling and Drake (With Notice and Proof):

H. 918. Relating to Cullman County; providing for an advisory referendum relating to ownership of the Cullman Medical Center.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 918, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hall (With Notice and Proof):

H. 919. To amend further Section 1 of Act No. 79-473, Regular Session 1979, as last amended by Act No. 83-628 of the 1983 Regular Session (Acts 1983, p. 978), which pertains to financing a legislative office for the members of the Jackson County legislative delegation with a portion of certain Tennessee Valley Authority payments made to Jackson County in lieu of certain

taxes, so as to provide further for the operation and administration of such legislative office.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 919, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Laird:

H. 920. To authorize and make provision for the incorporation in any City in the State of Alabama of a Downtown Redevelopment Authority for the purpose of promoting trade and commerce by inducing commercial enterprises to upgrade, improve, modernize, and expand existing facilities and to locate new facilities in the central business district of any such City; to define the area of such central business district; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of such Authority, its board of directors, and its officers; to authorize such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith whether or not now existing, suitable for use by any commercial enterprise, provided that such property shall be located wholly within the Downtown Development Area herein defined; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to authorize the Authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state or local governments or allow them to use facilities or services of the Authority; to make loans to persons or entities for the costs of a project on such security and with such terms and conditions as the Authority deems appropriate; to provide for the employment by any such Authority of such officers, employees, contractors, consultants and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to require payments in lieu of taxes to be made to the Authority or the City; to receive the proceeds of municipal taxes levied for the Authority's purposes; to promote revitalization of the Downtown Development Area and make plans and proposals therefor; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such

Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the State; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state except for the state ad valorem taxes; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; to give the Authority the power of eminent domain; and to authorize political subdivisions, agencies, instrumentalities and public corporations of the state to aid the Authority with loans or grants of money, the furnishing of services or the transfer of property to the Authority without any public election; to require the treasurer to obtain a fidelity bond equal to the amount of any public funds held by the Authority; to require compliance with the competitive bid law with respect to any projects receiving public funds; and to require a public hearing prior to the expenditure of any public funds; to provide for the reincorporation of, and to validate the acts of, certain authorities previously established; to provide that the provisions of this Act are cumulative and severable and to provide for an effective date.

Committee on Small Business.

By Reps. Poole, Melton, Johnson (Roy), Mitchell, and Brakefield:

H. 921. To amend Section 17-4-156 of the Code of Alabama 1975, relating to meeting days of the boards of registrars, so as to increase Tuscaloosa County's board of registrars meeting days and to specifically repeal Act No. 1428, S. 760, 1971 Regular Session (Acts 1971, p. 2454).

Committee on Judiciary.

By Reps. Drake, Campbell, Clark (J), Johnson (Roy), and Coburn:

H. 922. To amend 1975 Code of Alabama, Section 16-60-110 through Section 16-60-113 so as to repeal Act No. 82-486 of the 1982 Alabama Legislature which created a chancellorship for junior colleges and trade schools; to amend 1975 Code of Alabama, Section 16-5-13 so as to replace

Chancellor with State Superintendent of Education; and return authority and responsibility for governance of same to the state board of education.

Committee on State Administration.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Coburn:

H. R. 225. MOURNING THE DEATH OF SUSAN MICHELLE ECKLES OF MUSCLE SHOALS, ALABAMA.

Also:

By Rep. Coburn:

H. R. 226. COMMENDING THE STATE CHAMPION DESHLER HIGH SCHOOL GIRLS BASKETBALL TEAM.

Also:

By Rep. Junkins:

H. R. 227. MOURNING THE DEATH OF HERMAN L. SHAW, JR., OF GADSDEN, ALABAMA.

Also:

By Rep. Junkins:

H. R. 228. MOURNING THE DEATH OF MURRELL BRACK SHIELDS OF HOKES BLUFF, ALABAMA.

Also:

The following resolutions were introduced:

By Rep. White (L):

H. J. R. 229. COMMENDING THE AUBURN UNIVERSITY SCHOOL OF PHARMACY, 1885-1985.

WHEREAS, in consensus of personal pride, the Legislature of Alabama notes the Centennial observance of the Auburn University School of Pharmacy; and

WHEREAS, a course in pharmacy practice was first introduced at the University, then the Alabama Agricultural and Mechanical College, in 1885 by authorization of the board of trustees and which, by 1895, had become the Department of Pharmacy and was located in the Chemical Building, now Hargis Hall; and

WHEREAS, by 1913, pharmacy was a separate department of Alabama Polytechnic Institute, so named in 1899, and experienced such steady growth in enrollment as to necessitate a move in 1930 to the Ross Chemical Building, serving for a two-year period as the College Dispensatory; in 1941 the department was separated from the School of Chemistry and Pharmacy to gain final independence as the School of Pharmacy; and

WHEREAS, as a result of further expansion and growth following World War II, and in order to assume accreditation by the American Council of Pharmaceutical Education, a new pharmacy building, Miller Hall, was planned and completed in 1952; and

WHEREAS, renamed in 1959, A. P. I. became Auburn University with its School of Pharmacy continuing to grow through increased activities and enrollment; new quarters were erected, opening in 1976, and the school is now housed in an 88,643-square foot facility that is both beautiful and functional to provide the potential for further expansion in research and education, thereby thrusting Auburn University's School of Pharmacy into the top ranks in the nation; and

WHEREAS, the Auburn University School of Pharmacy is indeed an institution of national prominence, reflecting favorably upon the entire State of Alabama; now in its 100th year, the school remains dedicated in single purpose to quality teaching and research programs that are firmly based on the highest of academic standards to ensure that its graduates have the knowledge and capability to meet the responsibilities of the public trust bestowed upon the profession of pharmacy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express inordinate pride in the Auburn University School of Pharmacy, commending its excellence and recognizing its immeasurable contributions to the pharmacy profession for the past 100 years.

BE IT FURTHER RESOLVED, That a copy of this commendatory resolution be provided for presentation to the School of Pharmacy of Auburn University.

On motion of Rep. White (L), the rules were suspended and the resolution, H. J. R. 229, was adopted.

Also:

By Reps. Browder, Crow and Campbell:

H. J. R. 230. COMMENDING THE JACKSONVILLE STATE UNIVERSITY WOMEN GYMNASTS.

WHEREAS, the Alabama Legislature expresses highest commendation of the Jacksonville State University Women's Gymnastics Team which successfully defended its NCAA Division II National Championship, scoring 176.60 points to finish in first place; and

WHEREAS, with a second title in as many years, the Lady Gamecocks broke all records in becoming the first team ever in NCAA Division II history to win back-to-back championships, a tremendous feat, indeed, for both JSU and Head Coach Robert Dillard; and

WHEREAS, leading the Lady Gamecocks to their title was sophomore Jennifer McFarland who won the all-around competition and who also claimed All-America honors, along with teammates Stephanie Howell, Angie Noles and Patty Feist; and

WHEREAS, completing the championship roster were Tracey Bussey, Patricia Claridy, Laura Cook, Lisa Ernst, Deana Kelley, Kim Kelley, Kim Knight, Linda Kurtzer, Beth Law, Deanna Morrell, Laurie Sparrowhawk, Donna Trotter, Denise Walker and Gail Whelpley; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Coach Robert Dillard and the Jacksonville State University Women's Gymnastics Team for outstanding accomplishment and, further, express deep gratitude for the honor they have brought to the State of Alabama as National NCAA Division II Champions.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for appropriate presentation and display at Jacksonville State University.

On motion of Rep. Browder, the rules were suspended and the resolution, H. J. R. 230, was adopted.

Also:

By Reps. Browder, Crow and Campbell and Coleman:

H. J. R. 231. HONORING JACKSONVILLE STATE UNIVERSITY'S BILL JONES, NATIONAL BASKETBALL COACH OF THE YEAR.

WHEREAS, in sincere, personal pride, the Alabama Legislature notes the selection of Jacksonville State University's basketball coach, Bill Jones, as Kodak Coach of the Year by the National Association of Basketball Coaches; and

WHEREAS, Coach Jones is an 11-year veteran at JSU where he has compiled a phenomenal 213-92 record, and his overall career record, including two seasons as head coach at the University of North Alabama, is 241-209; and

WHEREAS, under Coach Jones, the 1984-85 season has truly been the Year of the Gamecocks, a season in which JSU set 25 school and Gulf South Conference records and compiled a 31-game winning streak, the longest college win streak in the nation, on their way to the NCAA Division II National Championship; and

WHEREAS, Bill Jones, a Guntersville native and a former student and varsity cager at JSU, has directed the Gamecocks, during his tenure, to four GSC Titles, Two GSC Tournament Championships, two NCAA South Region Crowns and, this year, to the NCAA National Championship; and

WHEREAS, he further has taken JSU to three consecutive NCAA playoff appearances and to five NCAA Division II tournament berths; and

WHEREAS, as National Coach of the Year, Bill Jones has indeed been most singularly honored by vote of his peers, nationwide, and it is a tribute well deserved for an outstanding college coach who has brought great honor to his university and to the entire State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Coach Bill Jones as National Coach of the Year and his Gamecocks as NCAA National Basketball Champions.

BE IT FURTHER RESOLVED, That Coach Jones receive a copy of this resolution of sincere praise and regard for his accomplishments.

On motion of Rep. Browder, the rules were suspended and the resolution, H. J. R. 231, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Senator Teague:

S. 124. To amend Section 5-2A-1, Section 5-2A-7, Section 5-2A-8, Section 5-17-2, Section 5-17-3, Section 5-17-4, Section 5-17-7, Section 5-17-8, Section 5-17-9, Section 5-17-10, Section 5-17-13, Section 5-17-19, Section 5-17-21, Section 5-17-22, and Section 5-17-23, Code of Alabama 1975, which provide for duties of the Superintendent of Banks and the Bureau of Credit Unions, to repeal Section 5-2A-120, Section 5-2A-121, Section 5-2A-122, Section 5-2A-123, Section 5-2A-124 and Section 5-2A-125 Code of Alabama 1975, which establish the Bureau of Credit Unions and to establish an Alabama Credit Union Administration.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 124. Banking.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Little:

S. J. R. 110. MOURNING THE DEATH OF JAMES FRANK WIDEMAN OF LEE COUNTY, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 110, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Goodwin:

S. J. R. 105. COMMENDING MEADOWVIEW CHRISTIAN SCHOOL, SELMA, ALABAMA, STATE APSA 3-A FOOTBALL CHAMPIONS.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 105, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Covington:

S. J. R. 111. COMMENDING STEVE SCHARFENBERG, 1984 OUTSTANDING MAN OF THE YEAR.

Also:

By Senator Covington:

S. J. R. 112. COMMENDING SARA LEE DUNBAR, 1984 OUTSTANDING WOMAN OF THE YEAR.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 111 and S. J. R. 112, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Strong:

S. J. R. 126. COMMENDING COACH NED HARBUCK UPON RETIREMENT AS BASKETBALL COACH AT JACKSON HIGH SCHOOL.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 126, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Sanders:

S. J. R. 142. COMMENDING AND CONGRATULATING WILCOX COUNTY HIGH SCHOOL, STATE 4A BASKETBALL CHAMPIONS.

Also:

By Senator Sanders:

S. J. R. 143. COMMENDING SOUTHSIDE HIGH SCHOOL, SELMA, ALABAMA, AS STATE 5A BASKETBALL CHAMPIONS.

Also:

By Senator Sanders:

S. J. R. 144. COMMENDING AND CONGRATULATING ROBERT C. HATCH HIGH SCHOOL ON THE STATE 3A BASKETBALL CHAMPIONSHIP, 1984-85.

Also:

By Senator Sanders:

S. J. R. 145. COMMENDING MARVIN DUKE OF WILCOX COUNTY HIGH SCHOOL.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 142, S. J. R. 143, S. J. R. 144 and S. J. R. 145, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Bedsole:

S. J. R. 132. COMMENDING ALABAMA'S PROFESSIONAL NURSES AND URGING THE OBSERVANCE OF APRIL 6, 1985, AS NATIONAL NURSES DAY.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 132, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Denton:

S. J. R. 127. LEGISLATIVE PARKING COMMITTEE MEETING DAYS.

WHEREAS, the legislature, in December 1985, will move into new statehouse facilities in the Highway Building; and

WHEREAS, all parking places under the supervision of the Legislative Parking Committee must be changed to accommodate legislators and other persons; and

WHEREAS, the parking deck adjacent to the Highway Building and certain other designated areas will be used as parking places by the legislature and said persons; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the joint Legislative Parking Committee previously established by law shall be authorized to convene up to five separate meetings during the interim legislative period prior to the 1986 regular legislative session for the purpose of re-evaluating and assigning parking places.

Members shall receive the normal legislative compensation, expense allowance and per diem for each day they meet. The clerk of the house and secretary of the senate and the Finance Department shall provide such materials and clerical help as are required for the committee to conduct its meetings.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 127, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Teague, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Horn, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J), and Strong:

S. J. R. 147. COMMENDING COACH GENE BARTOW, ATHLETIC DIRECTOR AND HEAD BASKETBALL COACH OF THE UNIVERSITY OF ALABAMA AT BIRMINGHAM.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 147, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Little, Corbett, Barron, Foshee, Dial, Strong, Holmes, Dixon, Covington, Bailey, Bedford and Ellis:

S. J. R. 136. CREATING THE ALABAMA LEGISLATIVE CONGRESSIONAL ADVISORY COMMITTEE ON THE TEXTILE INDUSTRY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a continuing, joint legislative committee to be known as the Alabama Legislative Congressional Advisory Committee on the Textile Industry to consist of 14 members as follows: five members of the House of Representatives to be appointed by the presiding officer of the House of Representatives; five members of the Senate to be appointed by the presiding officer of the Senate; four non-legislative members with two appointed by the Speaker of the House of Representatives and two appointed by the Lieutenant Governor. This committee and its members shall make a continuous study of existing and proposed congressional programs which affect our domestic textile industry and its employees, advise the Alabama congressional delegation on the needs of the textile industry, and testify before congressional committees concerning needed programs which will better protect the textile industry of this state and region. Each legislative member of this committee shall be entitled to his usual legislative pay, travel expenses and per diem for each day spent in attending such committee meetings or on business of the committee within the state and shall receive legislative pay and be reimbursed for all actual expenses for such out-of-state travel. The members of the committee who are not members of the legislature shall receive no pay but shall be reimbursed for actual expenses incurred in attending committee meetings or on business of the committee within and without the state. The committee may spend up to \$20,000.00 from funds appropriated for the use of the legislature. The committee shall report to the legislature on or before the tenth legislative day of each regular session.

BE IT FURTHER RESOLVED, That the Speaker of the House shall appoint one member from the House as co-chairman and the Lieutenant Governor shall appoint one member of the Senate as co-chairman.

RESOLVED FURTHER, That the committee shall have authority to employ all necessary staff to perform the functions of this committee. Such employees of the committee shall be paid out of any funds appropriated for the use of the legislature.

McDOWELL LEE,
Secretary.

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SENATE MESSAGE

The resolution, S. J. R. 136, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 232. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That immediately upon adoption of this resolution, the following bills, along with Budget Isolation Resolutions pertinent thereto and attached hereto, and all uncontested local bills except H. B. 704, shall be made the special, paramount and continuing order of business for the 17th Legislative Day of the 1985 Regular Session, April 9, 1985, taking precedence over any pending or unfinished business, except the unfinished business listed below, or any other business of the House under discussion, until such time as said resolutions and bills are disposed of:

H. 837—By Johnson Roy (As Substituted) 118

Corporations, foreign, provides further for exclusions for capital investment, Sec. 40-14-41 am'd

H. 838—By Johnson Roy (As Substituted) 118

Corporations, tax on stock shares, provides further for deductions, Sec. 40-14-10 amd

All uncontested local bills, except H. B. 704 as they appear on the Calendar (H. B. 704 awaiting Supreme Court ruling)

Unfinished Business:

H. 490—By Holley 1

District Court judge, salary regulated

H. 649—By Johnson Roy (As Substituted) 84

Local Government Capitol Improvement Fund est., contingent upon ratification of Ala. Heritage Trust Fund.

H. 203—By Coleman 52

Teachers retirement system, support personnel to elect two members to board of control

H. 9—By Crow 13

Bid law, minimum amt. of contracts, incr., Sec. 41-16-50 am'd.

H. 40—By Onderdonk 36

Municipal ordinances, bail of persons changed under, judgments of municipal courts, appeal to circuit court, Secs. 12-14-5 and 12-14-70 am'd.

H. 116—By Campbell 2

Administrative Procedure Act, Chapter 22, Title 41 am'd.

<u>H. 451</u> —By Harper	37
Oysters, sacking and tagging, regulated	
<u>H. 461</u> —By White (F)	68
Writ of habeas corpus, granted without delay, exceptions, Sec. 15-21-8 am'd.	
<u>H. 400</u> —By Cosby	45
Juvenile court proceedings further prescribe, upon transfer and certification as an adult offender thereafter tried as adult offender in same courts	
<u>H. 172</u> —By Smith	19
Agricultural Facilities which are permitted to be financial by Agri. Development Authority, Sec. 2-3A-2.	
<u>H. 214</u> —By Martin	23
CITIES WITH CERTAIN POPULATIONS, NEW COUNCIL FORM OF GOV'T. CREATED, SEC. 11-43-40 AMENDED.	
<u>H. 600</u> —By Turnham (As Substituted)	57
Alabama Manufactured Housing Comm. created	
<u>H. 430</u> —By Penry	44
Municipal corporations, validation of cert. attempted incorporations invalidated by procedure irregularities	
<u>H. 220</u> —By Box	9
Judgments entered pursuant to pro tanto settlement clarified for inclusion with written receipts, releases, etc. Sec. 12-21-109 am'd.	
<u>H. 112</u> —By White (L)	23
Health and accident self-insurance group authorized for officers and employees of municipalities, use of public funds authorized	
<u>H. 447</u> —By Junkins	61
Teacher retirement system, cert. teachers eligible for retirement but remains active at death, surviving spouse benefits reg., Sec. 16-25-14 am'd.	
<u>H. 521</u> —By Grayson	76
Alabama A & M University, bd. of trustees, meetings, quorum alt., Secs. 16-49-26 and 16-49-27 am'd.	
<u>H. 468</u> —By Thomas	42
Voting, Dep. Registrar req. to be at court house during all official hours, Bd. of Registrars req. to be open certain time prior to election deadline.	
<u>S. 215</u> —By Smith (J)	72
State employees; payroll deductions from paychecks regulated	

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<u>H. 646</u> —By Tanner (As Amended)	65
Child care facilities, records and background information checks on operators and other employees	
<u>S. 111</u> —By Bishop	73
County commissions, min. comp. estb., Sec. 11-3-4.1 am'd.	
<u>H. 524</u> —By Clark (J)	62
Athletic events, cert. ones exempt from gross receipts tax, Sec. 40-23-4 am'd.	
<u>S. 191</u> —By Drinkard	80
Coosa Valley Development authority, approp. from the general fund	
<u>H. 650</u> —By Buskey (John)	88
Library theft, crime of, created, penalties	
<u>H. 557</u> —By McNair	98
Elections, procedures for special elections to fill vacancies in legislature	
<u>S. 62</u> —By Holmes	87
Computer crime act, estab., penalties, provided	
<u>H. 724</u> —By Coburn	86
Legislative Fis. Off., duties alt., Sec. 29-5-7 Am'd.	
<u>H. 487</u> —By Johnson (Roy)	102
P.T.A. officers and employees, authorized to join teachers retirement system	
<u>H. 354</u> —By Beers	75
Abortions, prohibited for minors, penalties provided	
<u>H. 569</u> —By Richardson (As Substituted)	69
Indian Affairs Commission, membs. to incld. the Cherokees of Jackson County, Sec. 41-9-708 am'd.	
<u>H. 708</u> —By Johnson (Roy) (As Substituted)	97
Banks and banking, finance charge defined, Sec. 5-19-1 Am'd.	
<u>H. 456</u> —By Hooper	42
Elections, alternative place of holding, designated by co. comm. Sec. 17-5-12 am'd.	
<u>H. 730</u> —By Johnson (RG)	91
Automotive dismantlers and parts recyclers, licensing of, Secs. 40-12-410, 40-12-411, 40-12-412, 40-12-413, 40-12-414, 40-12-415, 40-12-416, 40-12-418, 40-12-419, 40-12-420, 40-12-421, 40-12-422, 40-12-423 am'd.	

On motion of Rep. Clark (J), the resolution, H. R. 232, was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Johnson (Roy), Budget Isolation Resolution, H. B. 837, was adopted.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Albright, Black, Box, Brakefield, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Crow, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, McDowell, McKee, McMillan, Mathis, Melton, Newman, Onderdonk, Reed, Rice, Sasser, Smith, Starr, Warren, White (F), White (G), White (L) and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 837. (With Substitute): This bill amends Section 40-14-41, Code of Alabama 1975, which provides for exclusions and deductions for capital invested in Alabama so as to further provide for deductions by providing additional criteria respecting unemployment.

Was taken up.

SUBSTITUTE OFFERED

Rep. Johnson (Roy) offered the following substitute to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 837:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 40-14-41 of the Code of Alabama 1975 so as to provide for additional exclusions and deductions from the tax levied thereby for amounts invested by taxpayers in all real and tangible personal property, buildings and equipment acquired or constructed within certain qualifying counties having high rates of unemployment, subject to issuance of a certification by a committee consisting of the Governor, the Finance Director and the Commissioner of Revenue of the State to the effect that in the county of the State in which such property is or is to be located a high rate of unemployment exists, the Alabama Development Office has found that investment by the taxpayer in such property to be located in such

county would be beneficial to the State, and the taxpayer has entered into an appropriate agreement or agreements to invest in such property in such qualifying county; to provide that the Committee established hereby shall be empowered to issue certificates hereunder for a period of five years from the effective date hereof; and to provide for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-14-41 of the Code of Alabama 1975 is hereby amended to read as follows:

"§40-14-41. Levy on foreign corporations.

(a) Amount of Levy. Every corporation organized under the laws of any other state, nation or territory and doing business in this state, except strictly benevolent, educational or religious corporations, shall pay annually to the state an annual franchise tax of \$3.00 on each \$1,000.00 of the actual amount of its capital employed in this state. Corporations which have qualified to do business in this state shall for the purpose of this title prima facie be held to be doing business in Alabama; provided, that in no event shall the amount paid by any corporation for annual franchise tax be less than the sum of \$25.00.

(b) Definition of capital. The total capital of such foreign corporation shall be deemed to be an amount equal to the sum of the following:

(1) The outstanding capital stock;

(2) Surplus and undivided profits, which shall include any amounts designated for the payment of dividends until such amounts are definitely and irrevocably placed to the credit of stockholders subject to withdrawal on demand;

(3) The amount of bonds, notes, debentures or other evidences of indebtedness maturing and payable more than one year after the first day of the franchise tax year;

(4) The amount of the bonds, notes, debentures or other evidences of indebtedness maturing and payable at the time to (i) any individual stockholder owning directly or indirectly 10 percent or more of the capital stock of such foreign corporation or (ii) another corporation owning more than 50 percent of the capital stock of such corporation, or (iii) another corporation more than 50 percent of the capital stock of which is owned by such foreign corporation, and which other corporation referred to in (ii) or (iii) is not also required to pay a franchise tax to the state of Alabama;

(5) The amount reasonably required to adjust the depreciable property accounts for any rapid, excessive or unreasonable depreciation charges or amortization, so as to restore the depreciable property accounts, for franchise tax purposes, to original cost less depreciation computed on the basis of the useful life of such property to the corporation.

(c) Determination of capital employed in state. The actual amount of such total capital as herein defined which is employed in this state shall be determined in accordance with generally accepted accounting principles appropriate in the particular case, and such determination shall establish a rebuttable presumption as to the actual amount of capital employed by the corporation in this state; provided, that in the case of organizations whose accounts and records are kept according to rules prescribed by a regulatory agency or instrumentality of the United States or by the Alabama public

service commission, or by a state insurance department, the actual amount of capital employed in this state as so determined shall in no event exceed the value of the sum of its tangible property located in this state and its intangible property employed in the conduct of its business in this state.

(d) Exclusions and deductions.

(1) There shall be excluded from the amount of capital as determined in subsection (b) of this section the investment by the taxpayer in the capital of other corporations organized under the laws of Alabama, or under the laws of any other state if such other corporations also pay a franchise tax to the state of Alabama, unless the taxpayer is a dealer in stocks or securities, and

(2) There shall be deducted from the amount of capital employed in this state as determined in accordance with subsections (b) and (c) of this section, the following amounts:

a. The aggregate amount of loans of money made by the taxpayer in this state and which shall be secured by existing mortgage or mortgages to it on real estate in this state and upon which mortgage or mortgages there shall have been paid the recording privilege tax provided by law;

b. The amount invested by the taxpayer in bonds or other securities issued by the state of Alabama, or any county, municipality or other political subdivision of the state of Alabama, or any public corporation organized under the laws of the state of Alabama, unless such corporation is a dealer in securities; and

c. The amount invested by the taxpayer in all devices, facilities or structures, and all identifiable components thereof or materials for use therein, acquired or constructed primarily for the control, reduction or elimination of air or water pollution; and

d. The amount invested by the taxpayer in all real and tangible personal property, equipment, facilities, structures and components thereof and materials used in the manufacturing, assembling or constructing of products or equipment of any kind that are acquired or constructed by the taxpayer and placed in service in a qualifying county of the State (as hereinafter defined) within a period commencing with the date of issuance of a qualification certificate as provided for herein and ending five years thereafter (such real and personal property, equipment, facilities, structures and components thereof and materials being herein called "qualifying property"). Before any such amount invested by a taxpayer may be deducted from the amount of its capital employed in this state as determined in accordance with subsections (b) and (c) of this section, a qualification certificate must be issued to the taxpayer prior to the due date of the report required by section 40-14-44 for the year in which investment in qualifying property is first made, a copy of which such qualification certificate shall be filed with the taxpayer's report made pursuant to section 40-14-44 for such year and for each year thereafter. Such qualification certificate shall state that a committee composed of the Governor of the State, the State Finance Director and the Revenue Commissioner of the State has, prior to or on the date of such qualification certificate, met and determined, as of such date, (1) that the county in which qualifying property owned or to be owned by the taxpayer is or is to be located was a qualifying county as herein defined, (2) that the Alabama Development Office (or such similar organization of the State which shall succeed to its duties) has certified to the Governor that the economic benefits

of investment by the taxpayer in qualifying property located or to be located in the qualifying county will be of a type advantageous to the well-being of the citizens of the State and of significant benefit to the qualifying county in terms of reducing the rate of unemployment therein, and (3) that the taxpayer has entered into an agreement or agreements with the State of the type hereinbelow described. A "qualifying county" for purposes of this subparagraph d. shall be any county of the State (i) which, as of the calendar month next preceding the date of any qualification certificate issued hereunder, has an unemployment rate higher than that of the United States for the same month, in both cases as published in the official statistics compiled and reported by the Bureau of Labor Statistics of the United States Department of Labor, and (ii) the governing body of which shall have, prior to the date of any qualification certificate issued hereunder, presented to the Governor a certified copy of a resolution adopted by the governing body of the county approving of and urging the issuance of qualification certificates of the committee herein provided for with respect to investments in qualifying property made by taxpayers in the county. The issuance by the committee of any qualification certificate hereunder shall be conditioned upon the taxpayer having prior thereto or contemporaneously therewith entered into such agreement or agreements with the State as the committee herein provided for shall have determined to be appropriate, which such agreements may be signed in the name of said committee for and behalf of the State by the Governor, pursuant to which the taxpayer shall have agreed to invest, within such period as said committee shall specify, such amounts in qualifying property located in a qualifying county as said committee shall specify. The right of any taxpayer to deduct, pursuant to the lawful issuance of a qualification certificate as provided for herein, amounts invested in qualifying property shall not be subject to revocation and shall continue to be effective so long as and to the extent the taxpayer shall have amounts invested in qualifying property, unless the taxpayer shall fail to comply with the terms of the agreement or agreements with the State hereinabove provided for, in which case the right of the taxpayer to deduct amounts reflecting investments in qualifying property shall cease and determine. The committee provided for herein shall be empowered to issue qualification certificates as provided for herein only during the period commencing with the effective date of this Act and ending on the date five years thereafter."

Section 2. All laws or parts of laws in conflict with this act are hereby repealed.

Section 3. In the event any portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any remaining portions of this Act, which shall continue effective.

Section 4. This Act shall become effective upon its signature by the Governor or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Beers, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W),

Coburn, Coleman, Cosby, Crow, Davis, Escott, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Pratt, Preuitt, Reed, Rice, Rogers, Sasser, Smith, Starkey, Starr, Tanner, Thomas, Turner, Venable, Warren, White (F), White (L) and Zoghby.

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And the bill:

H. 837. To amend Section 40-14-41 of the Code of Alabama 1975 so as to provide for additional exclusions and deductions from the tax levied thereby for amounts invested by taxpayers in all real and tangible personal property, buildings and equipment acquired or constructed within certain qualifying counties having high rates of unemployment, subject to issuance of a certification by a committee consisting of the Governor, the Finance Director and the Commissioner of Revenue of the State to the effect that in the county of the State in which such property is or is to be located a high rate of unemployment exists, the Alabama Development Office has found that investment by the taxpayer in such property to be located in such county would be beneficial to the State, and the taxpayer has entered into an appropriate agreement or agreements to invest in such property in such qualifying county; to provide that the Committee established hereby shall be empowered to issue certificates hereunder for a period of five years from the effective date hereof; and to provide for an effective date.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 84; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (James), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Pratt, Preuitt, Reed, Rice, Rogers, Sasser, Smith, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

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Nay: Rep. Rains.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 837:

Mr. Speaker, Albright, Beasley, Beers, Blake, Blakeney, Bowling, Brakefield, Browder, Bryant, Burke, Buskey (John), Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Flowers, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Harvey, Holley, Hooper, Johnson (RG),

Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McMillan, Marietta, Martin, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Penry, Pratt, Reed, Rice, Rogers, Sasser, Smith, Starkey, Warren, White (F) and White (L).

BUDGET ISOLATION RESOLUTION

On motion of Rep. Johnson (Roy), Budget Isolation Resolution, H. B. 838, was adopted.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (James), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Pratt, Preuit, Rains, Reed, Rice, Rogers, Smith, Starkey, Starr, Thomas, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

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And the bill:

H. 838. (With Substitute): This bill amends Section 40-14-70, Code of Alabama 1975, which provides for deductions from the total value of shares of corporate stock, so as to further provide for deductions by providing additional criteria respecting unemployment.

Was taken up.

SUBSTITUTE OFFERED

Rep. Johnson (Roy) offered the following substitute to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 838:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 40-14-70 of the Code of Alabama 1975 so as to provide for additional deductions from the tax levied thereby for the book value of all real and tangible personal property, buildings and equipment acquired or constructed and materials used in manufacturing of products in certain qualifying counties having high rates of unemployment, subject to issuance of a certificate by a committee consisting of the Governor, the Finance Director and the Commissioner of Revenue of the State to the effect that in the county of the State in which such property is or is to be located a high rate of unemployment exists, the Alabama Development Office has found that investment by the corporation in such property to be located in such county would be beneficial to the State and the corporation has entered into an appropriate agreement or agreements to invest in such property in such qualifying county; to provide that the Committee established hereby shall be empowered to issue certificates hereunder for a period of five years from the effective date hereof; and to provide for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-14-70 of the Code of Alabama 1975 is hereby amended to read as follows:

§40-14-70. Assessment and collection.

(a) Every share of any domestic corporation except:

(1) Financial institutions which comply with the provisions of this title as to the excise taxes herein levied on such financial institutions (financial institutions within the meaning of this section and as expressly exempted from the provisions hereof are hereby defined as follows: Any corporation or any legal entity whatever doing business in this state as a bank, banking association, trust company, industrial or other loan company, building and loan association and any other corporation or institution employing money capital coming into competition with the business of national banks); and

(2) Insurance companies which are subject to the provisions of this title as to premium taxes herein levied on such insurance companies and which shall be exempt from the tax assessed hereunder, shall be assessed and the taxes thereon collected in the county wherein such corporation has its home or principal office in the state and shall be assessed at 20 percent of its value to the person in whose name such shares stand on the books of the corporation and not to the corporation.

(b) In the event the excise tax levied by this title upon such financial institutions be declared unconstitutional, the tender to the department of revenue of such excise tax despite such unconstitutionality shall be a bar to any demand, claim, levy or assessment of any ad valorem tax under this section.

(c) The president or managing officer of every such corporation shall make out and return under oath to the tax assessor and to the department of revenue a list showing the total number of shares of the capital stock of such corporation and the par value thereof, the full name and residence of each stockholder, as far as known, the actual value thereof, the date of the last sale of shares of stock of such corporation, with the name of the seller and the purchaser and the price paid for same, and the annual dividend declared on the stock of such corporation for the last three years, and the value of the shares as shown by the books of the corporation, and by the last report of the officers to the shareholders, and the amount of surplus, and the amount of the undivided profits not included in the surplus, and such other information as may be required by the department of revenue. There shall be attached to the copy of the return made to the department of revenue a true balance sheet as shown by the books, showing the condition of such corporation at the close of its fiscal period next preceding October 1 of the year for which the assessment is to be made. Such corporations shall at the same time make a tax return sworn to by its president or manager to the department of revenue and to the county tax assessor on forms prescribed and furnished by the department of revenue of all taxable property, real and tangible personal, situated in the state and owned by such corporation.

(d) The department of revenue, after determining the total value of the shares of capital stock, shall deduct from the total value of such shares:

(1) The book value of real and tangible personal property owned in other states, and the book value of all devices, facilities or structures, and

all identifiable components thereof, or materials for use therein, designed or constructed primarily for the control, reduction or elimination of air or water pollution in this state, and used by the domestic corporation primarily for the control, reduction or elimination of air or water pollution where such air or water pollution has been caused by the domestic corporation claiming the deduction.

(2) The book value of goods, wares and merchandise held for sale.

(3) The book value of all real and tangible personal property, equipment, facilities, structures and components thereof and materials used in the manufacturing, assembling or constructing of products or equipment of any kind that are acquired or constructed by the corporation and placed in service in a qualifying county of the State (as hereinafter defined) within a period commencing with the date of issuance of a qualification certificate as provided for herein and ending five years thereafter (such real and personal property, equipment, facilities, structures and components thereof and materials being herein called "qualifying property"). Before the book value of any such qualifying property may be deducted from the total value of the shares of capital stock of the corporation as determined in accordance with the provisions of this section, a qualification certificate must be issued to the corporation prior to the due date of the return required to be made to the Department of Revenue by paragraph (c) of this section for the year in which qualifying property is first reflected on the balance sheet of the corporation required to be filed with such return; a copy of such qualification certificate shall be filed with the corporation's return made to the Department of Revenue pursuant to paragraph (c) of this section for such year and for each year thereafter. Such qualification certificate shall state that a committee composed of the Governor of the State, the State Finance Director and the Revenue Commissioner of the State has, prior to or on the date of such qualification certificate, met and determined, as of such date, (1) that the county in which qualifying property owned or to be owned by the taxpayer is or is to be located was a qualifying county as herein defined, (2) that the Alabama Development Office (or such similar organization of the State which shall succeed to its duties) has certified to the Governor that the economic benefits of investment by the taxpayer in qualifying property located or to be located in the qualifying county will be of a type advantageous to the well-being of the citizens of the State and of significant benefit to the qualifying county in terms of reducing the rate of unemployment therein, and (3) that the corporation has entered into an agreement or agreements with the State of the type hereinbelow described. A "qualifying county" for purposes of this section shall be any county of the State (i) which, as of the calendar month next preceding the date of any qualification certificate issued hereunder, has an unemployment rate higher than that of the United States for the same month, in both cases as published in the official statistics compiled and reported by the Bureau of Labor Statistics of the United States Department of Labor, and (ii) the governing body of which shall have, prior to the date of any qualification certificate issued hereunder, presented to the Governor a certified copy of a resolution adopted by the governing body of the county approving of and urging the issuance of qualification certificates of the committee herein provided for with respect to investments in qualifying property made by taxpayers in the county. The issuance by the committee of any qualification certificate hereunder shall be conditioned upon the corporation having prior thereto or contemporaneously therewith entered into such agreement or agreements with the State as the committee herein provided for shall have determined to be appropriate, which such agreements may be signed in the name of said committee for and behalf of the State

by the Governor, pursuant to which the corporation shall have agreed to invest, within such period as said committee shall specify, such amounts in qualifying property located in a qualifying county as said committee shall specify. The right of any corporation to receive the benefit of the deduction, pursuant to the lawful issuance of a qualification certificate as provided for herein, of the book value of qualifying property as provided for herein shall not be subject to revocation and shall continue to be effective so long as and to the extent the balance sheet of the corporation shall reflect the value of investments made by the corporation in qualifying property, unless the corporation shall fail to comply with the terms of the agreement or agreements with the State hereinabove provided for, in which case the corporation shall not be entitled to receive the benefit of the deduction provided for in this paragraph (d). The committee provided for herein shall be empowered to issue qualification certificates as provided for herein only during the period commencing with the effective date of this Act and ending on the date five years thereafter.

(e) The department of revenue, after determining the total value of the shares of stock remaining for assessment, shall take 20 percent thereof, which shall be the assessed value of the shares of said corporation.

(f) After the assessed value of all the shares has been passed on and determined, the department of revenue shall deduct from the assessed value of such shares the assessed value of the taxable real and tangible personal property owned, assessed and on which taxes are to be paid by the corporation, as shown by such tax return filed by the corporation in the state of Alabama, or as finally determined; provided, that should the assessed value of the real and tangible personal property as shown by such tax return differ from the assessed value of the real and tangible personal property as finally determined by the taxing authorities required to assess such property, or in case of appeal, as finally determined by the court of last resort, the same shall not affect the assessed value of all the shares of the corporation as fixed by the department of revenue.

(g) After deducting the assessed value of the real and tangible personal property located in the state of Alabama, any remainder shall constitute the residue of said shares of stock of said corporation. The residue divided by the whole number of shares will constitute the assessment for each share of stock.

(h) Whenever the department of revenue shall have passed on the valuation and assessment of the shares of any domestic corporation as herein provided, it shall give notice in writing by certified mail, return receipt demanded, to the president or managing officer or person signing the tax return for the corporation or, if no return has been made, then such notice to be addressed to any officer of the corporation against whose shares the assessment has been made, giving notice of the valuation and assessment, stating that on a day specified, it will determine any complaint against said valuation, which notice must be served at least 10 days before the day specified for a final determination of the assessment. Upon hearing the complaint of protest against any valuation or assessment of the shares of the domestic corporation or if there has been no complaint or objection filed on or before the date specified in the notice for determination of such matter, the department of revenue shall proceed to determine and fix the value of such shares and complete the assessment thereof.

(i) It is the meaning and intent of this section that the assessed value of all the shares of the corporation be fixed by the department of revenue

and that there be deducted therefrom the correct assessed value of the real and tangible personal property of the corporation when the same shall finally be determined; provided, that if any property owned by a corporation which property is subject to taxation in this state is omitted from the tax return filed by said corporation, the same shall be assessed as an escape item or items of taxation in the same manner as escaped property of individuals and the value of such omitted property shall not be deducted from the value of the shares of stock of the corporation as assessed for taxation. If the aggregate assessed value of the shares does not exceed the aggregate assessed value of the real and tangible personal property of the corporation, then no tax shall be demanded or collected on the shares."

Section 2. All laws or parts of laws in conflict with this act are hereby repealed.

Section 3. In the event any portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Act, which shall continue effective.

Section 4. This Act shall become effective upon its signature by the Governor or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Beers, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McKee, McMillan, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Pratt, Preuitt, Rains, Reed, Rice, Rogers, Sasser, Smith, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—79

And the bill:

H. 838. To amend Section 40-14-70 of the Code of Alabama 1975 so as to provide for additional deductions from the tax levied thereby for the book value of all real and tangible personal property, buildings and equipment acquired or constructed and materials used in manufacturing of products in certain qualifying counties having high rates of unemployment, subject to issuance of a certificate by a committee consisting of the Governor, the Finance Director and the Commissioner of Revenue of the State to the effect that in the county of the State in which such property is or is to be located a high rate of unemployment exists, the Alabama Development Office has found that investment by the corporation in such property to be located in such county would be beneficial to the State and the corporation has entered into an appropriate agreement or agreements to invest in such property in such qualifying county; to provide that the Committee established hereby

shall be empowered to issue certificates hereunder for a period of five years from the effective date hereof; and to provide for an effective date.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Cosby, Crow, Davis, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 838:

Mr. Speaker, Albright, Beasley, Beers, Biddle, Blake, Bowling, Brakefield, Britnell, Browder, Bryant, Burke, Buskey (John), Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Harvey, Holley, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Penry, Pratt, Preuitt, Rains, Reed, Rogers, Smith, Starkey, Starr, Thomas, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 115. To establish the Alabama Endowment Trust Fund for Eminent Scholars; provides that the Alabama Commission on Higher Education shall administer the trust fund; provides for investment of appropriated funds and for the use of accrued interest; provides for matching of funds; provides for the creation of separate foundation trust funds for each university; provides for the expending of the funds; and provides an appropriation.

JIMMY CLARK,
Chairman.

And the bill, H. 115 as engrossed, was ordered sent to the Senate.

SPECIAL ORDER RESUMED
BUDGET ISOLATION RESOLUTION

On motion of Rep. Marietta, Budget Isolation Resolution, H. B. 162, was adopted.

Yeas 47; Nays 0.

Yeas:

Reps. Albright, Beasley, Blake, Blakeney, Box, Britnell, Brooks, Browder, Bryant, Burke, Butler, Carothers, Clark (D), Clark (W), Crow, Davis, Dutton, Faulk, Flowers, Gaston, Goodwin, Gray, Grayson, Hall, Hammett, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Marietta, Mathis, Nicholson, Onderdonk, Penry, Pratt, Preuitt, Rice, Rogers, Trammell, Turner, Turnham, Venable, White (F) and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 162 INDEFINITELY POSTPONED

On motion of Rep. Marietta, the bill:

H. 162. (With Substitute): Relating to Mobile County; providing for a guaranteed minimum wage or salary for all City of Mobile Law Enforcement Officers.

With substitute reported by the Standing Committee on Local Legislation No. 3, was indefinitely postponed.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Melton, Budget Isolation Resolution, H. B. 670, was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Black, Blake, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Hettinger, Junkins, Kennedy, Kvalheim, Lauderdale, McNair, Marietta, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Perdue, Pratt, Preuitt, Rice, Rogers, Smith, Thomas, Trammell, Turner, Turnham, Venable and White (F).

—60

And the bill:

H. 670. Relating to Tuscaloosa County; providing additional compensation for poll workers and poll officials, payable from any unencumbered funds in the county treasury.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Albright, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hettinger, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Marietta, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Perdue, Pratt, Preuitt, Rice, Richardson, Rogers, Smith, Thomas, Turner, Turnham, White (F) and White (G).

—60

BUDGET ISOLATION RESOLUTION

On motion of Rep. Smith, Budget Isolation Resolution, H. B. 768, was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Beers, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Grouby, Hammett, Hettinger, Holley, Junkins, Kennedy, Kvalheim, Lauderdale, McKee, McMillan, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Pratt, Preuitt, Rice, Rogers, Smith, Starr, Thomas, Trammell, Turner, Turnham, Venable, White (F) and White (G).

—63

And the bill:

H. 768. Relating to Chilton County, providing further for the compensation of the members of the board of registrars.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Carter, Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Escott, Faulk, Flowers, Gaston, Goodwin, Grouby, Hall, Hammett, Hettinger, Holley, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Perdue, Pratt, Rice, Richardson, Rogers, Smith, Starr, Thomas, Turner, Turnham, Venable and White (F).

—58

BUDGET ISOLATION RESOLUTION

On motion of Rep. Gray, Budget Isolation Resolution, H. B. 740, was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Blake, Blakeney, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (John), Carter, Clark (D), Crow, Dutton, Escott, Faulk, Flowers, Fuller, Goodwin, Grayson, Hall, Hammett, Hettinger, Holley, Johnson (RG), Junkins, Kennedy, Lauderdale, McKee, McMillan, Mathis, Mikell, Moore, Newman, Nicholson, Onderdonk, Pratt, Preuitt, Rice, Richardson, Smith, Starr, Thomas, Trammell, Turner, Turnham, Venable, Warren and White (F).

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Campbell, Budget Isolation Resolution, S. B. 407, was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Beers, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Browder, Bugg, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (W), Coburn, Davis, Escott, Faulk, Flowers, Fuller, Goodwin, Grouby, Hall, Hammett, Hettinger, Junkins, Kennedy, Lauderdale, McMillan, Marietta, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Penry, Pratt, Preuitt, Rice, Richardson, Thomas, Trammell, Turner, Turnham, Venable, Warren and White (F).

—53

And the bill:

S. 407. Relating to Calhoun County; to authorize and make provision for the incorporation in the City of Oxford of the Oxford Downtown Development Authority for the purpose of promoting trade and commerce by inducing commercial enterprises to upgrade, improve, modernize, and expand existing facilities and to locate new facilities in the central business district of Oxford; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of such Authority, its board of directors, and its officers; to authorize such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith whether or not now existing, suitable for use by any commercial enterprise, provided that such property shall be located wholly within the Downtown Development Area established by ordinance of the city council; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate

purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to authorize the Authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state or local governments or allow them to use facilities or services of the Authority; to make loans to persons or entities for the costs of a project on such security and with such terms and conditions as the Authority deems appropriate; to provide for the employment by any such Authority of such officers, employees, contractors, consultants and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to require payments in lieu of taxes to be made to the Authority or the City; to receive the proceeds of municipal taxes levied for the Authority's purposes; to promote revitalization of the Downtown Development Area and make plans and proposals therefor; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state except for state ad valorem taxes; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, except for state sales and use taxes, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; to give the Authority the power of eminent domain; and to authorize political subdivisions, agencies, instrumentalities and public corporations of the state to aid the Authority with loans or grants of money, the furnishing of services or the transfer of property to the Authority without any public election; and

to require the treasurer to obtain a fidelity bond equal to the amount of any public funds held by the Authority.

Was read a third time at length and passed.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (W), Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Goodwin, Grayson, Grouby, Hall, Hammett, Hettinger, Johnson (RG), Junkins, Kennedy, Lauderdale, McMillan, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Nicholson, Onderdonk, Perdue, Pratt, Rice, Richardson, Rogers, Starr, Thomas, Turner, Turnham, Venable, Warren, White (F) and White (G).

—57

BUDGET ISOLATION RESOLUTION

On motion of Rep. Nicholson, Budget Isolation Resolution, H. B. 736, was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Carter, Clark (D), Clark (W), Coburn, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Goodwin, Grayson, Grouby, Hall, Hammett, Hettinger, Hooper, Johnson (RG), Junkins, Kennedy, Lauderdale, McMillan, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Smith, Thomas, Turner, Turnham, Venable, Warren and White (F).

—62

And the bill:

H. 736. Relating to Walker County; proposing an amendment to the Constitution of Alabama of 1901, relating to providing for the operation of bingo games by qualified non-profit organizations for charitable or educational purposes in Walker County.

Was taken up.

SUBSTITUTE OFFERED

Rep. Nicholson offered the following substitute to the bill, H. 736:

A BILL TO BE ENTITLED AN ACT

Relating to Walker County; proposing an amendment to the Constitution of Alabama of 1901, relating to providing for the operation of bingo games by qualified non-profit organizations for charitable or educational purposes in Walker County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed and shall become valid as as part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama 1901 are fulfilled:

PROPOSED AMENDMENT

1. This amendment to the Constitution of 1901 shall be known and may be cited as the Walker County Bingo Amendment.

2. Definitions.

(a) "Bingo" means that specific kind of game commonly known as bingo in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random.

(b) "Chief of Police" means the Chief of Police of any municipality electing to establish a "Bingo" ordinance parallel, or similar, to this amendment to apply with such municipality.

(c) "Sheriff" means the sheriff of Walker County.

(d) "Equipment" means the receptacle and numbered objects drawn from it, the master board upon which such objects are placed as drawn, the cards or sheets bearing numbers or other designations to be covered and the objects used to cover them, and the board or signs, however operated, used to announce or display the numbers or designations as they are drawn. All equipment shall be stamped with name of organization and used only on that organization's premises.

(e) "Location" means a single building, hall, enclosure, or outdoor area used for the purpose of playing bingo pursuant to a permit issued under this amendment. Bingo games shall be held only on the premises wholly owned by a qualified permitholder, as provided herein with exception to rental agreements. If the premises are leased, the rate of rental shall not be based on a percentage of receipts or profits resulting from the operation of the bingo games.

(f) "Special occasion" means a single gathering or session at which a series of successive bingo games authorized by this act are played pursuant to a special permit issued under (g) hereof.

(g) "Qualified organization" means a bona fide religious, educational, service, senior citizens, fraternal, or veterans' organization which operates without profit to its members and which either has been in existence continuously as such an organization for a period of 2 years or is exempt from taxation by virtue of having been classified as a tax exempt nonprofit organization by the Internal Revenue Service, United States Government.

(h) "Religious organization" means an organization, church, body of communicants, or group, not for pecuniary profit, gathered in common membership for mutual support and edification in piety, worship, and religious observances; or any society, not for pecuniary profit, of individuals united for religious purposes at a definite place; or a church related private school, not for pecuniary profit.

(i) "Education organization" means an organization within this state, not for pecuniary profit, whose primary purpose is education in nature and

designed to develop the capabilities of individuals by instruction in any public or private elementary or secondary school, or any private college, not for pecuniary profit, and approved by the State Department of Education.

(j) "Service organization" means a branch, lodge, or chapter of a national or state organization, not for pecuniary profit, which is authorized by its written constitution, charter, articles of incorporation, or by-laws to engage in a fraternal, civic, or service purpose within the state; and a local civic organization, not for pecuniary profit and not affiliated with a state or national organization, which is recognized by resolution adopted by the city in which the organization conducts its principal activities, whose constitution, charter, articles of incorporation, or by-laws contain a provision for the perpetuation of the organization as a nonprofit organization whose entire assets are pledged to charitable purposes, and whose constitution, charter, articles of incorporation, or by-laws, contain a provision that all assets, real property, and personal property shall revert to the benefit of the city government upon dissolution of the organization.

(k) "Senior citizens organization" means an organization within this state, not for pecuniary profit, which consists of at least 15 members who are 60 years of age or older and exists for their mutual support and advancing the causes of elderly or retired persons.

(l) "Fraternal organization" means an organization within this state, except college fraternities or sororities, not for pecuniary profit, which is a branch, lodge, or chapter of a national or state organization and exists for the common business or other interests of its members.

(m) "Veterans' organization" means an organization within this state, or a branch, or lodge, or chapter within this state of a state organization or of a national organization chartered by the Congress of the United States, not for pecuniary profit, the membership of which consists of individuals who were or are members of the armed services or forces of the United States.

(n) "Permitholder" means a qualified organization issued a permit pursuant to this act.

(o) "Member" means an individual who qualified for membership in a qualified organization pursuant to its by-laws, articles of incorporation, charter, or other legal entity.

(p) "Person" means a natural person, firm, association, corporation, or other legal entity.

(q) "Governing body" means the governing body of any political subdivision, either county, city, town or municipality, electing to establish a 'Bingo' ordinance parallel or similar to this amendment to apply within the respective jurisdiction of such political subdivision.

3. Operation of Bingo Games; Permit Required. (a) The operation of bingo games for prizes or money by nonprofit organizations for charitable or educational purposes shall be legal in Walker County subject to the provisions of any resolution or ordinance by the county governing body or the governing bodies of the respective cities and towns, within their respective jurisdictions. The said governing bodies shall have the authority to promulgate rules and regulations for the licensing and operation of bingo games, within their respective jurisdictions, provided, however, that said governing bodies must insure compliance with the provisions of this amendment.

Any provisions of the law to the contrary notwithstanding, no qualified organization shall be permitted to operate a bingo game until the governing body issues a permit to the organization authorizing it to do so. In the event of any controversy concerning whether or not certain activity constitutes bingo for which a permit may be issued, the decision of the governing body shall control. The permit described in this law is in addition to and not in lieu of any other permits or license which may be required by the county or any political subdivision thereof, and no bingo game shall be operated until such time as all requisite permits and licenses have been obtained, including any permit that may be required by any municipality having jurisdiction over the place where the bingo is proposed to be played. A permit holder may hold only one permit and that permit is valid for only one location. A permit is not assignable or transferable. Outside the police jurisdiction of an electing municipality, the sheriff shall be the primary, but not exclusive, law enforcement officer to insure enforcement of the regulation of bingo as authorized herein.

(b) Any municipality wholly or partially within Walker County may elect to establish a Bingo control ordinance parallel to and similar to this amendment and containing the same restrictions and controls as specified herein, to be administered by the governing body of such municipality who shall, in such event, if provided for in the municipal ordinance, exercise the same powers and duties with respect to games of Bingo as are provided herein may be exercised by the county governing body, and in such event the Chief of Police shall be the primary, but not exclusive, enforcement officer to assure enforcement of the regulation of such games within the boundaries of such municipalities as herein provided. Any ordinance so adopted by such a municipality shall be at least as restrictive of the game of Bingo as this amendment and no person, organization, or other legal entity who, or which, would not be so authorized hereunder shall be allowed to conduct Bingo games under such municipal ordinances. Any fees for permits provided for in ordinances so adopted by a municipality shall be in lieu of the permit fees provided for otherwise in this amendment.

4. Application for Permit to Conduct Bingo, Submission, Form, Contents. Any qualified organization desiring to obtain a permit to operate bingo games shall make application to the governing body on forms prescribed by the governing body and shall pay an annual fee of \$150.00. No permit shall be issued to any qualified organization unless such organization has been in existence for 24 months immediately prior to the issuance of the permit. Such permit will expire at midnight on September 30th, following the granting of such permit. Renewal application for each calendar year shall be filed with the governing body prior to October 1st of each year and shall be on a form prescribed by the governing body. Each application for a permit and each application for renewal of a permit shall contain the following information:

(a) The name and home address of the applicant and, if the applicant is a corporation, association or other similar legal entity, the names and home addresses of each of the officers of the organization as well as the names and addresses of the directors, or other persons similarly situated, of the organization.

(b) The names and home addresses of each of the persons who will be operating or promoting the bingo game.

(c) The names and home addresses of any person, organizations or other legal entities that will act as surety for the applicant, or to whom the

applicant is financially indebted, or to whom any financial obligation is owed by the applicant.

(d) The location at which the applicant will conduct the bingo games.

(e) A statement showing the convictions, if any, for criminal offenses, other than minor traffic offenses, of each of the persons listed in (a), (b) and (c) above.

(f) Any other necessary and reasonable information which the governing body may require.

The governing body shall refuse to grant a bingo permit to any applicant who fails to fully provide the information required by this item.

5. Contents and Display of Permits. (a) Each bingo permit shall contain the name and address of the permitholder, the location at which the permitholder is permitted to conduct bingo and the days of the week on which the permitholder is permitted to conduct bingo.

(b) The bingo permitholder shall display the permit conspicuously at the location where bingo is being conducted at all times during the conduct of the games.

6. Special Permit, Application, Fee, Grounds for Issuance; Contents, Term, Number, Transfer. (a) Upon special application submitted by a qualified organization licensed pursuant to item 4 and upon the applicant's payment of a fee of \$50.00 to the governing body, the governing body may issue a special permit for conducting bingo at locations and on days other than those set forth in its annual permit.

(b) A qualified organization which does not hold a permit pursuant to item 4 may apply for a special permit for conducting bingo at a designated location for a special occasion. Such an applicant shall submit to the governing body a written application prepared in accordance with and on a form prescribed by rule of the governing body. The application shall include the information required by subitem (a) of item 4, except that the applicant shall indicate the day or days on which the applicant will conduct bingo for the special occasion. Upon a determination by the governing body that the applicant is a qualified organization and is not ineligible pursuant to item 18 and upon the applicant's payment of the fee required under this subitem to the Department of Revenue, the governing body may issue a special permit. If the applicant will conduct bingo on only 1 day under the special permit, the fee shall be \$25.00. If the applicant will conduct bingo on more than 1 day under the special permit, the fee shall be \$50.00

(c) A special permit shall contain the name and address of the permitholder and shall specify the location at which the permitholder may conduct bingo, the days not exceeding 2 consecutive days on which the permitholder may conduct bingo, and the number of bingo games which the permitholder may conduct for the special occasion.

(d) A qualified organization licensed pursuant to subitem (b) of item 6 shall not be issued more than 2 special permits in any 1 year period. A special permit is not assignable or transferable.

7. Certain Contracts Activities Prohibited; Special Requirements. (a) It is the intention of the Legislature that only qualified organizations which are properly issued permits pursuant to this law shall be allowed to operate bingo games. No qualified organization shall enter into any contract to have

any individual or entity operate bingo games on behalf of such qualified organization.

(b) A qualified organization shall not lend its name or allow its identity to be used by any individual, firm, association or corporation in the operating or promoting of a bingo game in which said qualified organization is not directly and solely operating said bingo game. All equipment shall be stamped or clearly marked in letters no less than one-half inch in height and one-fourth inch in width (except for the letter "I") with the name of the organization using same, and it shall be unlawful to use equipment marked with the name of another organization.

(c) It shall be unlawful for two or more qualified organizations to operate bingo games jointly or to operate bingo games upon the same premises during any 18-hour period.

(d) It shall be unlawful for two or more qualified organizations to pyramid the valuation of prizes in such a manner as to exceed the limits in cash or gifts of equivalent value as provided in item 10. The term "equivalent value" shall mean the fair market value of the gift on the date the gift is given as the prize in a bingo game.

(e) No person or organization by whatever name or composition thereof shall take any salary, expense money or fees for the operation of any bingo game.

(f) No person shall pay consulting fees to any person for any services performed in relation to the operation or conduct of a bingo game.

(g) No notice or advertising of any bingo game by means of outdoor advertising shall be allowed.

8. Fee Proceeds, Disposition; Expenses. All fees collected by the governing body under this amendment shall be paid into the general fund of the electing political subdivision, and all necessary expenses incurred by the governing body in the administration and enforcement of this amendment shall be financed from the said general fund.

9. Proceeds of Bingo Games, Disposition. The entire net proceeds of a bingo game shall be devoted exclusively to the lawful purposes of the permitholder. An item of expense shall not be incurred or paid in connection with the holding, operating, or conducting of bingo except the following bona fide expenses in reasonable amounts:

(a) The purchase or rental of equipment necessary for conducting bingo and payment of services reasonably necessary for the repair of equipment.

(b) Cash prizes or the purchase of prizes of merchandise.

(c) Rental of the location at which bingo is conducted. When premises owned by permitholder are destroyed by a natural disaster or any act not the fault of the tenant or property owner, then the premises may be rented for only 1 year.

(d) Utilities.

(e) Janitorial services.

(f) The fee required for issuance or reissuance of a permit to conduct bingo.

(g) Other reasonable expenses incurred by the permitholder, not inconsistent with this amendment, as permitted by rule of the governing body.

10. Management and Operation of Bingo, Persons Eligible, Compenstion, Equipment, Prizes, Advertisement.

(a) A person other than a bona fide member of the permitholder may not participate in the management of bingo. Persons other than bona fide members of the permitholder may participate in the operation of bingo as provided by rule of the governing body.

(b) A person may not receive any commission, salary, pay, profit, or wage for participating in the management or operation of bingo.

(c) Bingo may not be conducted with any equipment which is not owned, being purchased, or being rented at a reasonable rate by the permitholder.

(d) Prizes given by any organization for the playing of bingo games shall not exceed \$1,200.00 in cash or gifts of equivalent value during any bingo session or \$2,400.00 in cash or gifts of equivalent value during any calendar week. Provided, however, the Legislature may change the allowable amounts of the prizes from time to time by local legislation.

(e) A permitholder may not advertise bingo except to the extent and in the manner authorized by rule of the governing body. If the governing body allows a permitholder to advertise bingo, the permitholder shall indicate in the advertisement the purposes for which the net proceeds will be used by the permitholder.

(f) A permitholder shall display its bingo license conspicuously at the location where the bingo game is conducted.

(g) A permitholder shall conduct bingo games only at the single location specified in the permitholder's application.

(h) A permitholder shall not conduct more than one bingo session during any one calendar day and no more than two bingo sessions during any one calendar week and no session shall exceed 5 hours.

11. Age Restriction to Play or Conduct Bingo Games. No person under the age of 19 years shall be permitted to play any game or games of bingo conducted pursuant to any permit issued under this law. No person under the age of 19 years shall be permitted to conduct or assist in the conduct of any game of bingo conducted pursuant to any permit issued by this law.

12. Taxation, Prize. State or local taxes of any kind whatsoever shall not be imposed upon the recipient of any prize, whether merchandise or money, awarded by a permitholder during a bingo game conducted in conformity with this amendment.

13. Enforcement and Supervision of Administration of Amendment, Personnel, Rules. (a) The chief law enforcement officer of the electing political subdivision shall enforce and supervise the administration of this amendment within his respective jurisdiction. The said chief law enforcement law enforcement officer shall employ personnel as necessary to implement this amendment.

(b) The governing body by rule shall regulate the holding, operation, or conducting of bingo, including the following:

(1) The method of play and selection of winners.

- (2) The type of equipment to be used.

14. Rules and Regulations. The governing body is hereby authorized to promulgate rules and regulations which it deems necessary for the proper administration and enforcement of the provisions of this law.

15. Records of Permitholders; Financial Statements; Inspection and Location of Bingo. (a) Each permitholder shall maintain the following records for at least 3 years from the date on which the last bingo game is conducted:

- (1) An itemized list of the gross receipts for each session.

(2) An itemized list of all expenses, other than prizes paid during a bingo session, including the name of each person to whom the expenses are paid and a receipt for all of said expenses. The record shall be open to inspection by a duly authorized employee of the governing body during reasonable business hours. Upon the request of the governing body, the state auditor or a certified public accountant firm appointed by him shall examine and conduct a postaudit of a permitholder's records, accounts, and transactions related to the operation of bingo.

(b) On or before April 15th in each year, each permitholder shall file with the governing body a financial statement of receipts and expenses relating to the operation of bingo games in the previous calendar year. Said report shall be in addition to any and all other reports required by law.

(c) The location at which bingo is being conducted or at which an applicant or permitholder intends to conduct bingo shall be open to inspection at all times by a duly authorized employee of the governing body or by the state police or a peace officer of a political subdivision of the state.

16. Suspension or Revocation of Permits. The governing body may suspend or revoke any permit issued pursuant to this amendment if the permitholder or any officer, director, agent, member or employee of the permitholder violates this amendment or rule promulgated hereunder. Appeal to the governing body of the county from an adverse ruling of the governing body shall be available to the permitholder, and, thereafter, appeal to the Circuit Court from an adverse ruling of the governing body of the county shall also be available to the permitholder.

17. Violation, Offense. Any person who violates this amendment shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500.00, and may also be imprisoned in the county jail for not more than 6 months.

18. Issuance or Reissuance of Permit After Revocation, Forfeiture or Suspension; Grounds for Forfeiture; Return of Permit Upon Suspension, Revocation or Forfeiture; Effect of Suspension, Revocation or Forfeiture. (a) A permitholder whose permit is revoked in consequence of a violation of this amendment or rule promulgated under this amendment is ineligible to apply for a permit for a period of 1 year after the revocation.

(b) A person convicted of an offense under item 17 or any other gambling offense is ineligible to serve as an officer of a permitholder or to participate in conducting bingo for a period of 1 year after the conviction becomes final. If the person is licensed pursuant to this amendment, the person shall forfeit the permit and is ineligible to apply for the issuance or reissuance of the permit for a period of 1 year thereafter.

(c) If the permit is suspended, in addition to other penalties which may be imposed, the governing body may declare the violator ineligible to conduct a bingo game or apply for a permit under this act for a period not exceeding 1 year.

(d) The permitholder shall return its permit to the governing body on or before the effective date of a suspension, revocation, or forfeiture. Whether returned or not, the permit shall not be valid beyond the effective date of the suspension, revocation, or forfeiture.

19. This amendment shall be self-executing, but the Legislature shall have the right and power by general, special or local law to adopt laws supplemental to this amendment or in furtherance of the purposes hereof.

Section 2. The provisions of this amendment shall have no force and effect unless it shall first be unanimously approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Walker County, after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 56; Nays 0.

Yeas:

Reps. Beasley, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Campbell, Carter, Clark (D), Coburn, Crow, Davis, Dutton, Faulk, Flowers, Goodwin, Grayson, Grouby, Hall, Hammett, Hettinger, Hooper, Johnson (RG), Junkins, Kennedy, Lauderdale, McMillan, Mathis, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Preuitt, Rains, Rice, Richardson, Rogers, Smith, Starkey, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F) and Zoghby.

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And the bill, H. 736, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Goodwin, Gray, Grayson,

Grouby, Hall, Hammett, Harvey, Hettinger, Hooper, Johnson (RG), Kennedy, Laird, Lauderdale, Lindsey, McMillan, Martin, Mathis, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F) and White (G).

—79

BUDGET ISOLATION RESOLUTION

On motion of Rep. Campbell, Budget Isolation Resolution, S. B. 408, was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Beers, Black, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (John), Campbell, Carter, Clark (D), Clark (W), Coburn, Crow, Davis, Dutton, Flowers, Goodwin, Grayson, Grouby, Hall, Hammett, Hettinger, Hooper, Johnson (RG), Junkins, Kennedy, Lauderdale, McMillan, Marietta, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Penry, Perdue, Preuitt, Rains, Rogers, Smith, Starkey, Turner, Venable, Warren, White (F) and White (G).

—55

And the bill:

S. 408. Relating to Calhoun County; to authorize and make provision for the incorporation in the City of Anniston of the Anniston Downtown Development Authority for the purpose of promoting trade and commerce by inducing commercial enterprises to upgrade, improve, modernize, and expand existing facilities and to locate new facilities in the central business district of Anniston; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of such Authority, its board of directors, and its officers; to authorize such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith whether or not now existing, suitable for use by any commercial enterprise, provided that such property shall be located wholly within the Downtown Development Area established by ordinance of the city council; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to authorize the Authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate or manage projects; to apply

for and use government or private financial assistance; to contract to use facilities or services of the federal, state or local governments or allow them to use facilities or services of the Authority; to make loans to persons or entities for the costs of a project on such security and with such terms and conditions as the Authority deems appropriate; to provide for the employment by any such Authority of such officers, employees, contractors, consultants and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to require payments in lieu of taxes to be made to the Authority or the City; to receive the proceeds of municipal taxes levied for the Authority's purposes; to promote revitalization of the Downtown Development Area and make plans and proposals therefor; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state except for state ad valorem taxes; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, except for state sales and use taxes, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; to give the Authority the power of eminent domain; and to authorize political subdivisions, agencies, instrumentalities and public corporations of the state to aid the Authority with loans or grants of money, the furnishing of services or the transfer of property to the Authority without any public election; and to require the treasurer to obtain a fidelity bond equal to the amount of any public funds held by the Authority.

Was read a third time at length and passed.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Beers, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (W), Crow, Davis, Dutton, Faulk, Flowers,

Goodwin, Grayson, Hall, Hammett, Hettinger, Hooper, Johnson (Roy), Kennedy, Lauderdale, McMillan, Marietta, Moore, Newton, Onderdonk, Penry, Perdue, Preuitt, Rains, Rogers, Spratt, Starkey, Turner, Venable, Warren, White (F) and White (G).

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Campbell, Budget Isolation Resolution, S. B. 409, was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Crow, Davis, Dutton, Faulk, Flowers, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Marietta, Mathis, Mikell, Moore, Newman, Newton, Onderdonk, Penry, Perdue, Preuitt, Rains, Rice, Rogers, Spratt, Starkey, Starr, Trammell, Turner, Turnham, Venable, Warren and White (F).

—60

And the bill:

S. 409. Relating to Calhoun County; to provide for the mailing address of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

Was read a third time at length and passed.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Beers, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Crow, Davis, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Hettinger, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Marietta, Mathis, Melton, Mikell, Moore, Newman, Newton, Nicholson, Onderdonk, Penry, Perdue, Preuitt, Rains, Rice, Rogers, Spratt, Starr, Turner, Turnham, Venable, Warren, White (F), White (G) and Zoghby.

—66

BUDGET ISOLATION RESOLUTION

On motion of Rep. Campbell, Budget Isolation Resolution, S. B. 410, was adopted.

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Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Beers, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Carter, Clark (D), Clark (W), Crow, Davis, Faulk, Flowers, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Marietta, Mathis, Mikell, Moore, Newman, Newton, Nicholson, Onderdonk, Penry, Perdue, Rains, Rice, Rogers, Spratt, Starkey, Starr, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G) and Zoghby.

—63

And the bill:

S. 410. Relating to the City of Oxford in Calhoun County; amending further Act No. 963, S. 1177, 1975 Regular Session (Acts 1975, p. 1996), which provides for a civil service system for the city, so as to provide further for compensation of the board members and the chairman of the board; and to provide for an applicant's examination fee.

Was read a third time at length and passed.

Yeas 67; Nays 0.

Yeas:

Reps. Beasley, Beers, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Crow, Davis, Faulk, Flowers, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Marietta, Mathis, Moore, Newman, Newton, Nicholson, Onderdonk, Penry, Perdue, Preuitt, Rains, Rice, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G) and Zoghby.

—67

BUDGET ISOLATION RESOLUTION

On motion of Rep. Campbell, Budget Isolation Resolution, S. B. 428, was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Beers, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Crow, Dutton, Faulk, Flowers, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Hettinger, Holley, Hooper, Johnson (Roy), Junkins, Kvalheim, Lauderdale, McMillan, Mathis, Moore, Newman, Newton,

Onderdonk, Penry, Perdue, Preuitt, Rice, Rogers, Smith, Spratt, Starkey, Starr, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G) and Zoghby.

—59

And the bill:

S. 428. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Hobson City in Calhoun County.

Was read a third time at length and passed.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Beers, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kvalheim, Lauderdale, McMillan, Martin, Mathis, Newman, Newton, Nicholson, Onderdonk, Penry, Perdue, Preuitt, Rice, Rogers, Smith, Spratt, Starkey, Starr, Turner, Turnham, Venable, Warren, White (F), White (G) and Zoghby.

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BUDGET ISOLATION RESOLUTION

On motion of Rep. Rice, Budget Isolation Resolution, H. B. 731, was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Davis, Faulk, Flowers, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Mathis, Newman, Newton, Nicholson, Penry, Perdue, Preuitt, Rice, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Trammell, Turner, Turnham, Venable, Warren, White (F) and White (G).

—58

And the bill:

H. 731. Relating to Lee County; providing a supplement to the salary of each court reporter, payable from the county treasury.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Beers, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Davis, Faulk, Flowers, Ford, Gaston, Goodwin,

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Grayson, Grouby, Hall, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Mathis, Mitchell, Moore, Newman, Newton, Onderdonk, Penry, Perdue, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Turner, Turnham and White (F).

—55

BUDGET ISOLATION RESOLUTION

On motion of Rep. Rice, Budget Isolation Resolution, H. B. 732, was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Beers, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Coburn, Davis, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Mathis, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F) and White (G).

—64

And the bill:

H. 732. Relating to the Board of Registrars of Lee County; providing further for additional compensation for members of such board, payable from the county general fund.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Coburn, Coleman, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Mathis, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Preuitt, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F) and White (G).

—68

BUDGET ISOLATION RESOLUTION

On motion of Rep. Black, Budget Isolation Resolution, H. B. 754, was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Carter, Clark (D), Clark (W), Davis, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hettinger, Holley, Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Mathis, Melton, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Preuitt, Rice, Rogers, Spratt, Starkey, Thomas, Trammell, Turner, Turnham, Warren, White (F) and White (G).

—55

And the bill:

H. 754. Relating to Sumter County; providing supplemental fee allowances for constables; and providing for additional court costs.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Davis, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hettinger, Holley, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Mathis, Melton, Mikell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Preuitt, Rice, Richardson, Rogers, Spratt, Starkey, Thomas, Trammell, Turner, Turnham, Warren, White (F) and White (G).

—65

BUDGET ISOLATION RESOLUTION

On motion of Rep. Thomas, Budget Isolation Resolution, H. B. 777, was adopted.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blake, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (W), Coleman, Davis, Escott, Faulk, Flowers, Ford, Fuller, Goodwin, Grayson, Hall, Hettinger, Johnson (Roy), Junkins, Kennedy, Lauderdale, McMillan, Mathis, Melton, Mikell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Preuitt, Rice, Richardson, Rogers, Starkey, Thomas, Trammell, Turner, Turnham, White (F) and White (G).

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

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1009

The Clerk reported that there was a quorum present.

And the bill:

H. 777. Proposing an amendment to the Constitution of 1901, relating to additional ad valorem tax in Wilcox County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Beers, Black, Blake, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coleman, Davis, Escott, Faulk, Flowers, Fuller, Goodwin, Grayson, Hall, Hammett, Hettinger, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Lauderdale, McDowell, McMillan, McNair, Mathis, Melton, Mikell, Moore, Newman, Newton, Nicholson, Parker, Penry, Perdue, Pratt, Preuitt, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, White (F), White (G) and White (L).

—68

BUDGET ISOLATION RESOLUTION

On motion of Rep. Faulk, Budget Isolation Resolution, H. B. 780, was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Carothers, Carter, Clark (D), Clark (W), Coleman, Davis, Faulk, Flowers, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Hettinger, Holley, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McDowell, McMillan, Mathis, Melton, Moore, Newman, Newton, Onderdonk, Perdue, Preuitt, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Trammell, Turner, Turnham, White (F) and White (G).

—60

And the bill:

H. 780. Relating to the second judicial circuit; granting law enforcement authority to the investigators of the district attorney's office and the district attorney shall have the authority to have the investigators and other employees of his office to assist him in the presence of the grand jury except when said jury is deliberating.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Bugg, Burke, Buskey (John), Butler, Carothers, Carter, Clark (D), Coleman,

Crow, Davis, Escott, Faulk, Flowers, Gaston, Goodwin, Grayson, Grouby, Hall, Hettinger, Holley, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McDowell, McMillan, Mathis, Melton, Moore, Newman, Newton, Nicholson, Onderdonk, Penry, Perdue, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Trammell, Turner and White (F).

—56

BUDGET ISOLATION RESOLUTION

On motion of Rep. Junkins, Budget Isolation Resolution, H. B. 782, was adopted.

Yeas 59; Nays 1.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Carothers, Carter, Clark (D), Clark (W), Coleman, Crow, Davis, Escott, Flowers, Ford, Gaston, Goodwin, Grayson, Hall, Hettinger, Holley, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McDowell, McMillan, Mathis, Melton, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Preuitt, Rains, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Turner, Turnham, Warren and White (G).

—59

Nay: Rep. Mitchell.

—1

And the bill:

H. 782. Relating to St. Clair County; abolishing the office of constable in such county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Buskey (James), Carothers, Carter, Clark (D), Clark (W), Coleman, Crow, Davis, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grayson, Hall, Hettinger, Holley, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McDowell, McMillan, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Preuitt, Rains, Rice, Richardson, Rogers, Spratt, Starkey, Turner, Turnham, White (F) and White (G).

—58

BUDGET ISOLATION RESOLUTION

On motion of Rep. Dutton, Budget Isolation Resolution, H. B. 821, was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coleman, Crow, Faulk, Flowers, Ford, Gaston, Gray,

Grayson, Grouby, Hall, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, McDowell, McMillan, Mathis, Melton, Moore, Newman, Newton, Penry, Perdue, Preuitt, Rains, Rice, Richardson, Smith, Spratt, Starkey, Trammell, Turner, Turnham, White (F) and White (G).

—54

And the bill:

H. 821. To provide for supplemental expense allowances for the district attorney of the 36th judicial circuit and the district judge of Lawrence County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coleman, Crow, Davis, Escott, Faulk, Flowers, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, McDowell, McMillan, Mathis, Melton, Mitchell, Moore, Newman, Newton, Onderdonk, Penry, Perdue, Preuitt, Rains, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Trammell, Turner, Venable and White (G).

—59

BUDGET ISOLATION RESOLUTION

On motion of Rep. Dutton, Budget Isolation Resolution, H. B. 830, was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Beasley, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (John), Carothers, Carter, Clark (D), Coburn, Coleman, Crow, Davis, Faulk, Flowers, Gaston, Goodwin, Gray, Grayson, Hall, Hammett, Hettinger, Holmes, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Mathis, Mikell, Mitchell, Newman, Newton, Penry, Perdue, Preuitt, Rains, Rice, Richardson, Rogers, Spratt, Starkey, Starr, Trammell, Turner, Turnham, Venable, White (F) and White (G).

—55

And the bill:

H. 830. Relating to Lawrence County; providing a certain expense allowance for the county superintendent of education.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (John), Butler, Carothers, Carter, Clark (D), Coburn, Coleman, Crow, Davis, Faulk, Flowers, Gaston, Goodwin, Gray,

Grayson, Grouby, Hall, Hammett, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, McDowell, McMillan, Mathis, Melton, Mitchell, Newman, Newton, Penry, Perdue, Preuit, Rains, Rice, Richardson, Rogers, Spratt, Starkey, Trammell, Turner and Venable.

—54

REPORT FILED

Pursuant to Act 84, created by House Joint Resolution 126, of the 1976 Regular Session and supplemented by Act 79-52, created by Senate Joint Resolution 19, of the 1979 Regular Session of the Alabama Legislature, Senator Bobby E. Denton, Chairman, submitted the report of the Joint Legislative Prison Committee and the report was ordered filed.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Mitchell, Budget Isolation Resolution, H. B. 841, was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Coleman, Crow, Davis, Escott, Flowers, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Hettinger, Hooper, Kennedy, Kvalheim, Lauderdale, McMillan, Mathis, Melton, Mitchell, Moore, Newton, Nicholson, Parker, Penry, Perdue, Preuit, Rice, Richardson, Rogers, Spratt, Starkey, Starr, Trammell, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—60

And the bill:

H. 841. Relating to Pickens County; to authorize the county board of education to provide for the substitution of other books or texts for the textbooks on the list of state-approved or state-adopted textbooks for use in the schools of the county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Buskey (John), Butler, Carothers, Carter, Clark (D), Coburn, Coleman, Crow, Davis, Escott, Faulk, Flowers, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Hettinger, Hooper, Kennedy, Kvalheim, Lauderdale, McDowell,

McMillan, Mathis, Melton, Mikell, Mitchell, Moore, Newton, Nicholson, Penry, Perdue, Preuitt, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Starr, Trammell, Venable, White (F), White (G) and Zoghby.

—56

BUDGET ISOLATION RESOLUTION

On motion of Rep. White (L), Budget Isolation Resolution, H. B. 842, was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Carothers, Carter, Clark (D), Clark (W), Coburn, Coleman, Crow, Davis, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Hettinger, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Mathis, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Parker, Penry, Perdue, Preuitt, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Trammell, Turnham, Venable, Warren, White (F), White (G) and White (L).

—63

And the bill:

H. 842. Relating to Tallapoosa County; providing an expense allowance for members of the county board of education; prescribing the manner of payment; and providing for an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Coleman, Crow, Davis, Faulk, Flowers, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, McDowell, McMillan, Mathis, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Preuitt, Rice, Richardson, Rogers, Spratt, Starkey, Trammell, Turnham, Venable, Warren, White (F), White (G) and White (L).

—61

BUDGET ISOLATION RESOLUTION

On motion of Rep. White (L), Budget Isolation Resolution, H. B. 843, was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (John), Butler, Carothers, Carter, Clark (D), Coburn, Coleman, Crow, Davis, Escott, Flowers, Fuller, Gaston, Goodwin,

Gray, Grayson, Grouby, Hall, Hammett, Hettinger, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Mathis, Mikell, Mitchell, Newman, Newton, Nicholson, Parker, Penry, Perdue, Preuitt, Richardson, Rogers, Spratt, Starkey, Trammell, Turnham, Venable, Warren, White (F), White (G) and White (L).

—59

And the bill:

H. 843. (With Amendment): Relating to Tallapoosa County; to create a licence-issuing division within the tax collector's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; the issuance of licenses by the tax collector's office; and to transfer certain duties now performed by the tax assessor and probate judge to said office.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 843, page 4, Section 6, line 12, after the word "motor" by striking ~~vehiele~~ and inserting in lieu thereof the following:

vehicles

And the amendment was adopted.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Black, Blakeney, Bowling, Britnell, Brooks, Browder, Burke, Buskey (John), Butler, Carter, Clark (D), Coburn, Coleman, Crow, Davis, Faulk, Flowers, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Hettinger, Hooper, Johnson (RG), Junkins, Kvalheim, Lauderdale, Marietta, Melton, Mikell, Mitchell, Newman, Nicholson, Parker, Penry, Perdue, Richardson, Rogers, Sasser, Starkey, Trammell, Turnham, Venable, White (G) and White (L).

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 843, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Beasley, Bowling, Box, Britnell, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Coleman, Crow, Davis, Escott, Flowers, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Mathis, Melton, Mikell, Mitchell, Newman, Nicholson, Parker, Penry, Perdue, Richardson, Rogers, Sasser, Spratt, Starkey, Trammell, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—56

BUDGET ISOLATION RESOLUTION

On motion of Rep. Starkey, Budget Isolation Resolution, H. B. 851, was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Burke, Buskey (James), Buskey (John), Carothers, Clark (D), Clark (W), Coburn, Coleman, Davis, Escott, Faulk, Flowers, Fuller, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Marietta, Mathis, Melton, Mitchell, Newman, Newton, Nicholson, Parker, Penry, Perdue, Preuitt, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Trammell, Turnham, Venable, Warren, White (F), White (G) and White (L).

—59

And the bill:

H. 851. Relating to Lauderdale County; to provide for an advisory referendum election as to the question of whether the qualified electors of Lauderdale County favor the Lauderdale County Commission having a full-time commission chairman; and to provide for notice of the election.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blakeney, Bowling, Box, Britnell, Brooks, Burke, Buskey (James), Butler, Carothers, Clark (D), Clark (W), Coburn, Coleman, Faulk, Flowers, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Marietta, Mathis, Mikell, Mitchell, Newman, Newton, Nicholson, Penry, Perdue, Preuitt, Rice, Richardson, Sasser, Smith, Spratt, Starkey, Trammell, Turnham, Venable, Warren, White (F) and White (G).

—54

BUDGET ISOLATION RESOLUTION

On motion of Rep. Coleman, Budget Isolation Resolution, H. B. 852, was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carothers, Clark (D), Clark (W), Coburn, Coleman, Davis, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Marietta, Mathis, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Preuitt, Rains, Rice, Richardson, Rogers, Spratt, Starkey, Trammell, Turnham, Venable, Warren, White (F), White (G) and White (L).

—59

And the bill:

H. 852. Relating to Marshall County; to amend Section 23, of Act No. 633, H. 1248, 1976 Regular Session of the Alabama Legislature (1976 Acts, p. 870), entitled, "An Act Relating to Marshall County; abolishing the Commission on Government and Finance of Marshall County and creating in lieu thereof the Marshall County Commission; providing for the election of the members of the commission, prescribing their qualifications, terms, and compensation; providing for the organization, powers, duties, jurisdiction and function of the commission and the authority and duty of its members," so as to provide further for the powers, duties, jurisdiction and function of the Marshall County Commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carothers, Clark (D), Clark (W), Coburn, Coleman, Davis, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Hettinger, Hooper, Kennedy, Kvalheim, Lauderdale, McMillan, Marietta, Mathis, Mikell, Mitchell, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Preuitt, Rains, Rice, Richardson, Rogers, Spratt, Starkey, Trammell, Turnham, Venable, Warren, White (G) and White (L).

—58

BUDGET ISOLATION RESOLUTION

On motion of Rep. Coleman, Budget Isolation Resolution, H. B. 853, was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Carothers, Clark (D), Clark (W), Coburn, Coleman, Davis, Flowers, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Marietta, Mathis, Mikell, Mitchell, Newman, Newton, Parker,

Penry, Perdue, Preuitt, Rains, Rice, Richardson, Rogers, Spratt, Starkey, Trammell, Turnham, Venable, Warren, White (F) and White (G).

—56

And the bill:

H. 853. Relating to Marshall County; creating the Marshall County Commission Reapportionment Study Committee.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Carothers, Clark (D), Clark (W), Coburn, Coleman, Faulk, Flowers, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Marietta, Mathis, Mikell, Mitchell, Newman, Newton, Penry, Perdue, Preuitt, Rains, Rice, Richardson, Spratt, Starkey, Trammell, Venable and White (G).

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Butler, Budget Isolation Resolution, H. B. 703, was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Beasley, Bowling, Box, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Campbell, Carothers, Clark (D), Clark (W), Coburn, Coleman, Crow, Davis, Faulk, Flowers, Goodwin, Grayson, Grouby, Hall, Hammett, Harvey, Hettinger, Hooper, Junkins, Kennedy, Lauderdale, McMillan, Marietta, Mathis, Mikell, Mitchell, Nicholson, Parker, Penry, Perdue, Preuitt, Rains, Rice, Richardson, Rogers, Starkey, Trammell, Venable and Warren.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 703. Relating to Madison County; providing for an increase in county ad valorem taxes on certain properties in those areas of the county that are

served by the county board of education upon referendum approval of such increase by the qualified electors in such areas and providing that such additional revenues shall be used for county school purposes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Beasley, Bowling, Box, Britnell, Brooks, Browder, Bryant, Buskey (John), Campbell, Carothers, Clark (D), Coburn, Coleman, Crow, Faulk, Flowers, Goodwin, Gray, Grayson, Hall, Hammett, Harvey, Hettinger, Hooper, Junkins, Kennedy, Lauderdale, McMillan, Marietta, Mathis, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Parker, Penry, Preuitt, Rains, Rice, Richardson, Spratt, Starkey, Trammell, Venable, Warren, White (G) and White (L).

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hettinger, Budget Isolation Resolution, H. B. 859, was adopted.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Beasley, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Carothers, Clark (D), Clark (W), Coburn, Coleman, Faulk, Flowers, Fuller, Goodwin, Grayson, Grouby, Hall, Hammett, Hettinger, Hooper, Kennedy, Lauderdale, McMillan, Mitchell, Penry, Perdue, Preuitt, Rains, Richardson, Starkey, Trammell, Venable, White (F), White (G) and Zoghby.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 859. Relating to Madison County, authorizing municipalities to fund group insurance plans for retired municipal employees.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Bowling, Box, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Carothers, Clark (D), Clark (W), Coburn, Coleman, Faulk, Flowers, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harvey, Hettinger, Hooper, Junkins, Kennedy, Lauderdale, McMillan, Marietta, Mathis, Mitchell, Nicholson, Penry, Preuitt, Rains, Rice, Richardson, Starkey, Venable, White (G) and Zoghby.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hettinger, Budget Isolation Resolution, H. B. 631, was adopted.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Bowling, Box, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Carothers, Clark (D), Clark (W), Coburn, Flowers, Fuller, Gaston, Goodwin, Grouby, Hall, Hammett, Harvey, Hettinger, Hooper, Kennedy, Kvalheim, Lauderdale, McMillan, Marietta, Mathis, Mitchell, Parker, Penry, Rains, Rice, Richardson, Starkey, Trammell and Venable.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 631. Relating to Madison County; providing further for costs and charges in the circuit and district courts of said county in all cases wherein a defendant or juvenile is charged with a violation of the Alabama Uniform Controlled Substances Act; providing for the use of the monies to be derived therefrom and placing certain restrictions thereon.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Carothers, Clark (D), Clark (W), Coburn, Faulk, Flowers, Gaston, Goodwin, Gray, Grayson, Grouby,

Hall, Harvey, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Mathis, Mitchell, Nicholson, Onderdonk, Parker, Penry, Perdue, Preuitt, Rains, Rice, Richardson, Smith, Starkey and Turnham.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

CO-SPONSOR ADDED

Rep. Hettinger was added as co-sponsor to the bill, H. 631.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hettinger, Budget Isolation Resolution, S. B. 422, was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Carothers, Clark (D), Clark (W), Coburn, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grouby, Harvey, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Mathis, Mitchell, Nicholson, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Rice, Richardson, Smith, Starkey, Trammell, Turner, Turnham, White (F), White (G) and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 422. Relating to Madison County; authorizing the license commissioner to issue boat licenses by mail and to allow an additional issuance fee to cover the expense of mailing such licenses.

Was read a third time at length and passed.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Carothers, Clark (D), Clark (W), Coburn, Dutton, Faulk, Flowers, Gaston, Goodwin, Grouby, Harvey, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Mathis, Mikell,

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Mitchell, Nicholson, Parker, Penry, Perdue, Preuitt, Rains, Rice, Richardson, Smith, Starkey, Trammell, Turner, Turnham, Warren, White (F) and White (G).

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Tanner to suspend the rules in order to take up out of order the Budget Isolation Resolution relating to H. B. 839, was lost, lacking a four-fifths vote.

Yeas 42; Nays 13.

Yeas:

Reps. Beasley, Biddle, Blakeney, Bowling, Brooks, Bryant, Burke, Buskey (John), Butler, Carothers, Coburn, Faulk, Flowers, Fuller, Harvey, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Laird, McMillan, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Pratt, Rains, Rice, Richardson, Smith, Tanner, Turnham, Venable, White (F) and White (L).

—42

Nays:

Reps. Bachus, Beers, Clark (W), Davis, Escott, Gray, McDowell, McNair, Melton, Newton, Perdue, Rogers and Spratt.

—13

UNFINISHED BUSINESS

The House then proceeded with the consideration of the Unfinished Business.

And the bill:

H. 490. To fix the state salary of a district judge at a relationship to the state salary of a circuit judge on October 1, 1986, so that the state salary of a district judge shall be equal to the state salary of the district attorney who practices before the district judge and is an officer of the district judge's court.

With pending amendment offered by Rep. Mathis on the fifteenth legislative day, was taken up.

AMENDMENT TABLED

On motion of Rep Holley, the amendment offered by Rep. Mathis to the bill, H. 490, was tabled.

Yeas 35; Nays 13.

Yeas:

Mr. Speaker, Blake, Bowling, Box, Brakefield, Brooks, Bugg, Burke, Butler, Carter, Clark (D), Davis, Goodwin, Hall, Harvey, Holley, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Lauderdale, Mathis, Mitchell, Newton, Nicholson, Onderdonk, Parker, Payne, Perdue, Rogers, Spratt, Turner, Warren, White (F) and White (G).

—35

Nays:

Reps. Beasley, Blakeney, Carothers, Flowers, McKee, McMillan, Mikell, Penry, Rains, Rice, Richardson, Starr and White (L).

—13

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Onderdonk offered the following amendment to the bill, H. 490:

Amend House Bill 490, Section 2, Page 1, Line 29, after the words "district attorney" by adding the following:

Provided, however, the provisions of this act shall not cause the total compensation or salary of any district judge to exceed the total compensation of any circuit judge within his respective circuit.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Bryant, Burke, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Davis, Dutton, Flowers, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McKee, McMillan, Mathis, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Turner, Turnham, Venable, Warren, White (F), White (G) and White (L).

—72

AMENDMENT OFFERED

Rep. Faulk offered the following amendment #1 to the bill, H. 490 as amended:

Amend House bill 490, page 1, line 25, after the words "which shall be" by striking \$1,000 and inserting in lieu thereof \$6,000

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AMENDMENT TABLED

On motion of Rep. Holley, the amendment #1 offered by Rep. Faulk to the bill, H. 490 as amended, was tabled.

Yeas 32; Nays 19.

Yeas:

Mr. Speaker, Blake, Blakeney, Bowling, Box, Browder, Bryant, Buskey (John), Butler, Crow, Davis, Ford, Fuller, Gaston, Harvey, Holley, Holmes, Johnson (RG), Johnson (Roy), Kennedy, Kvalheim, Martin, Melton, Mitchell, Moore, Newton, Perdue, Pratt, Preuitt, Rogers, Spratt and Warren.

—32

Nays:

Reps. Beasley, Carothers, Faulk, Flowers, Junkins, Lindsey, McKee, Mikell, Newman, Nicholson, Rains, Rice, Richardson, Sasser, Smith, Turner, White (F), White (G) and White (L).

—19

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Coleman:

H. R. 233. COMMENDING JEANNIE LYLE OF GUNTERSVILLE, ALABAMA, 1985 WOMAN OF ACHIEVEMENT.

H. 490 RESUMED

AMENDMENT OFFERED

Rep. Faulk offered the following amendment #2 to the bill, H. 490 as amended:

Amend House Bill 490, page 1, line 25, after the words "which shall be" by striking \$1,000 and inserting in lieu thereof \$5,000

AMENDMENT TABLED

On motion of Rep. Holley, the amendment #2 offered by Rep. Faulk to the bill, H. 490 as amended, was tabled.

Yeas 29; Nays 14.

Yeas:

Mr. Speaker, Albright, Black, Blake, Bowling, Browder, Bryant, Clark (D), Crow, Davis, Ford, Goodwin, Hettinger, Holley, Johnson (RG), Johnson (Roy),

Lauderdale, McMillan, Martin, Mitchell, Newton, Nicholson, Onderdonk, Parker, Penry, Preuitt, Rogers, Spratt and Turnham.

—29

Nays:

Reps. Carothers, Coleman, Flowers, Hall, Junkins, McKee, Mikell, Newman, Rains, Rice, Smith, Starkey, Turner and White (L).

—14

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 837. To amend Section 40-14-41 of the Code of Alabama 1975 so as to provide for additional exclusions and deductions from the tax levied thereby for amounts invested by taxpayers in all real and tangible personal property, buildings and equipment acquired or constructed within certain qualifying counties having high rates of unemployment, subject to issuance of a certification by a committee consisting of the Governor, the Finance Director and the Commissioner of Revenue of the State to the effect that in the county of the State in which such property is or is to be located a high rate of unemployment exists, the Alabama Development Office has found that investment by the taxpayer in such property to be located in such county would be beneficial to the State, and the taxpayer has entered into an appropriate agreement or agreements to invest in such property in such qualifying county; to provide that the Committee established hereby shall be empowered to issue certificates hereunder for a period of five years from the effective date hereof; and to provide for an effective date.

JIMMY CLARK,
Chairman.

And the bill, H. 837 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 838. To amend Section 40-14-70 of the Code of Alabama 1975 so as to provide for additional deductions from the tax levied thereby for the

book value of all real and tangible personal property, buildings and equipment acquired or constructed and materials used in manufacturing of products in certain qualifying counties having high rates of unemployment, subject to issuance of a certificate by a committee consisting of the Governor, the Finance Director and the Commissioner of Revenue of the State to the effect that in the county of the State in which such property is or is to be located a high rate of unemployment exists, the Alabama Development Office has found that investment by the corporation in such property to be located in such county would be beneficial to the State and the corporation has entered into an appropriate agreement or agreements to invest in such property in such qualifying county; to provide that the Committee established hereby shall be empowered to issue certificates hereunder for a period of five years from the effective date hereof; and to provide for an effective date.

JIMMY CLARK,
Chairman.

And the bill, H. 838 as engrossed, was ordered sent to the Senate.

H. 490 RESUMED

AMENDMENT OFFERED

Rep. Faulk offered the following amendment #3 to the bill, H. 490 as amended.

Amend House Bill 490, page 1, line 25, after the words "which shall be" by striking \$1,000 and inserting in lieu thereof \$4,000

AMENDMENT TABLED

On motion of Rep. Holley, the amendment #3 offered by Rep. Faulk to the bill, H. 490 as amended, was tabled.

Yeas 39; Nays 14.

Yeas:

Mr. Speaker, Albright, Blake, Blakeney, Box, Bryant, Burke, Buskey (John), Campbell, Clark (D), Clark (J), Clark (W), Fuller, Goodwin, Grouby, Harvey, Holley, Johnson (RG), Johnson (Roy), Kennedy, Laird, McMillan, Marietta, Martin, Mitchell, Moore, Newton, Nicholson, Onderdonk, Parker, Perdue, Preuitt, Spratt, Tanner, Trammell, Turner, Warren, White (F) and Zoghby.

—39

Nays:

Reps. Coleman, Dutton, Flowers, Grayson, Hall, Hettinger, Junkins, McKee, Newman, Rains, Rice, Richardson, Smith and White (L).

—14

AMENDMENT OFFERED

Rep. Holley offered the following amendment to the bill, H. 490 as amended:

Amend House Bill 490, page 1, line 19, after the words "shall be" by striking equal to and inserting in lieu thereof \$2,000 less than

Further amend page 1, line 25, after the words "shall be" by striking ~~\$1,000~~ and inserting in lieu thereof \$3,000

Further amend page 1, line 27, by striking Section 2 in its entirety and renumbering remaining sections accordingly.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Bryant, Bugg, Buskey (John), Campbell, Carothers, Carter, Clark (J), Clark (W), Coleman, Crow, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Hammett, Harvey, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, Marietta, Martin, Mathis, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Preuitt, Rice, Richardson, Rogers, Smith, Spratt, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—75

And the bill:

H. 490. To fix the state salary of a district judge at a relationship to the state salary of a circuit judge on October 1, 1986, so that the state salary of a district judge shall be \$2,000 less than the state salary of the district attorney who practices before the district judge and is an officer of the district judge's court.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 81; Nays 5.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Dutton, Faulk, Ford, Fuller, Gaston, Goodwin, Grayson, Hammett, Harvey, Hettinger, Holley, Holmes, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillan, Marietta, Martin, Mathis, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Preuitt, Reed, Rice, Richardson, Rogers, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—81

Nays: Reps. Butler, Hall, McKee, McNair and Rains.

—5

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 176. To amend Sections 1, 2, 6, 8, 9, 10, 11, 13, 14, 16, 23, 24, 28 and 29 of Act No. 243, H. 278, of the First Special Session of 1964 (Acts 1964, p. 326) as amended, which provided for the pension and relief system for policemen and firemen of the City of Mobile, Alabama, so as to provide for the qualifications for membership in such system; for the designation of a special fund for certain payments by insurance companies to the system; for a financial consultant for such system; for the composition, powers and duties of the board of directors of such system; for a full-time secretary for such system; prohibiting the garnishment of pension funds; for eligibility and participation; for procedures for reimbursement from the city for certain pensions relating to work related disabilities; for computing certain pensions; for allowances to surviving spouses; for the transition of duties and responsibilities between the City of Mobile and the Board; for the procedure on appeal from a decision of the Board; for certain options in electing benefits under such system; for cost-of-living increases in pensions under such system and to specifically repeal Sections 15 and 22 of said act.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Laird, the House concurred in and adopted the Senate amendment to the bill, H. 176, said Senate amendment being as follows:

Amend House Bill 176, page 6, line 12, after the period, by deleting the remainder of Section 11.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Black, Blakeney, Bowling, Box, Brakefield, Britnell, Bryant, Bugg, Buskey (John), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Hettinger, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McMillan, Martin, Mathis, Mikell, Moore, Newman, Newton, Nicholson, Parker, Penry, Perdue, Preuitt, Rains, Reed, Rice, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—67

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Crow, the rules were suspended in order to take up out of order the Budget Isolation Resolution relating to H. B. 817.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Crow, Budget Isolation Resolution, H. B. 817, was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (John), Carter, Clark (D), Clark (J), Clark (W), Coleman, Davis, Ford, Goodwin, Gray, Grayson, Grouby, Harvey, Hettinger, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, Mathis, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Warren and White (F).

—61

And the bill:

H. 817. To amend Section 40-12-198 of the Code of Alabama 1975, as amended, relating to the marking of vehicles operated by private and for-hire carriers.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 1.

Yeas:

Mr. Speaker, Albright, Beasley, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (John), Campbell, Carter, Clark (D), Clark (W), Coleman, Crow, Davis, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Harvey, Hettinger, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Perdue, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—71

Nay: Rep Holley.

—1

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Onderdonk, Budget Isolation Resolution, H. B. 40, was adopted.

Yeas 50; Nays 5.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Buskey (John), Campbell, Carter, Clark (D), Clark (W), Davis, Faulk, Gaston, Goodwin, Grouby, Harvey, Johnson (RG), Junkins, Kvalheim, Laird, Lauderdale, McKee, Marietta, Martin, Mathis, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Preuitt, Rains, Rice, Rogers, Smith, Spratt, Starkey, Starr, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—50

Nays: Reps. Bachus, Hettinger, Holmes, Mikell and White (G).

—5

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And the bill:

H. 40. To amend Section 12-14-5, Code of Alabama 1975, which Section relates to the bail of persons charged with violations of municipal ordinances and to amend Section 12-14-70, Code of Alabama 1975, as amended, which Section relates to appeals to the circuit court from judgments of municipal courts; to establish an effective date.

Was taken up.

AMENDMENT OFFERED

Rep. Onderdonk offered the following amendment to the bill, H. 40:

Amend H. B. 40 on page 2, Section 1, after the word "him." by inserting the following:

The municipal judge may waive an appearance bond upon satisfactory showing that the defendant is indigent or otherwise unable to make bond.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 56; Nays 2.

Yeas:

Mr. Speaker, Albright, Bachus, Beasley, Black, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Davis, Faulk, Gaston, Goodwin, Gray, Grouby, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McKee, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Preuitt, Rains, Rice, Smith, Starkey, Starr, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—56

Nays: Reps. Newton and Spratt.

—2

And the bill, H. 40, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 13.

Yeas:

Mr. Speaker, Albright, Beasley, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Faulk, Gaston, Goodwin, Grouby, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McKee, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Preuitt, Rains, Rice, Richardson, Starkey, Starr, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—52

Nays:

Reps. Bachus, Escott, Gray, Grayson, Hall, Hettinger, Holmes, Kennedy, Newton, Perdue, Reed, Spratt and White (G).

—13

CO-SPONSOR ADDED

Rep. Marietta was added as co-sponsor to the bill, H. 40.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Campbell, Budget Isolation Resolution, H. B. 116, was adopted.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bugg, Buskey (John), Campbell, Carter, Clark (D), Clark (J), Clark (W), Coleman, Davis, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McKee, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Preuitt, Rains, Reed, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—74

And the bill:

H. 116. To amend the Alabama Administrative Procedure Act, Act No. 81-855, Acts of Alabama 1981 (codified as Chapter 22, Title 41, Code of Alabama 1975), by specifically amending Section 41-22-3, Code of Alabama 1975, relating to the definition of "agency" to include the Alabama Department of Environmental Management and the state fire marshal and to delete those exempted agencies which no longer exist, and relating to the definition of "rule" to exempt from that definition any form which is specifically required by federal statute or by federal rule or regulation, but providing that all forms must be on file with the secretary of the agency and with the legislative reference service and published in the agency administrative code and relating to the definition of "contested case" to exempt from that definition and the provisions of Sections 41-22-12 through 41-22-21, Code of Alabama 1975, certain pardon and parole hearings; by amending Section 41-22-6, Code of Alabama 1975, relating to the effective dates of rules so as to permit an effective date of less than 35 days where the action is required by or to comply with a federal statute or regulation which requires adoption of a rule upon fewer than 35 days' notice and to require that adopted rules be filed within 90 days after notice; by amending Section 41-22-8, Code of Alabama 1975, relating to the time limitation placed upon agency action upon a petition in writing requesting the adoption, amendment or repeal of a rule so as to grant an agency which has its next regularly scheduled meeting beyond said 60-day period, the authority upon written notice to extend the period for not more than 30 days within which to deny or initiate rule-making proceedings; by amending Section 41-22-11, Code of Alabama 1975, to correct appeals reference; by amending Section 41-22-12, Code of Alabama 1975, relating to contested cases to permit, where now permitted by existing statute, delivery of notice of hearing by first-class mail, postage prepaid, to be effective upon the deposit of the notice in the mail; and further to provide that where the statutory determinative process is a multi-level procedure, the opportunity to present evidence need be afforded at only one level in

the process unless otherwise provided by statute; by amending Section 41-22-13, Code of Alabama 1975, relating to rules of evidence so as to provide that, where judicial review is by a trial de novo, it is not necessary to make objections or for the agency to rule upon objections during a hearing, where such procedure is announced in advance of hearing, but requires the agency in such case to consider only such testimony and evidence as is relevant, material, competent and legal; by amending Section 41-22-16, Code of Alabama 1975, relating to final decisions and orders to provide that notification of all orders, except the final order, may where permitted by existing statute, be delivered by first-class mail, postage prepaid, and delivery to be effective upon deposit of the notice in the mail; by amending Section 41-22-20, Code of Alabama 1975, relating to judicial review of contested cases to require that a cost bond must be filed with the agency in order to initiate appeal or review; to make the 30-day period within which to appeal or to institute judicial review uniform in all cases, to provide for appeal or review by the courts by a trial de novo where permitted by existing or future statute; to provide that appeals from agency orders may also be filed in the circuit court of Montgomery County; by amending Section 41-22-21, Code of Alabama 1975, relating to appeals from final judgments of circuit courts to require that an appeal must be taken to the appropriate appellate court within 42 days from entry of judgment; by amending Section 41-22-23, Code of Alabama 1975, to clarify the time in which the joint committee on administrative regulation review has to approve or disapprove a proposed regulation and to provide further for the number of copies of a proposed rule an agency shall furnish the committee; by amending Section 41-22-24 to provide the procedure for reconsideration of disapproved rules by the legislature; amending Sections 41-22-25 and 41-22-27, Code of Alabama 1975, to clarify the effective date and publication date of the Alabama Administrative Procedure Act; and repealing the exemption of the Alabama Department of Environmental Management as set forth in Section 14(d) of Act No. 82-612, Acts of Alabama 1982.

Was taken up.

AMENDMENT OFFERED

Rep. Campbell offered the following amendment to the bill, H. 116:

Amend House Bill 116 on page 3, lines 22 and 23 by striking the words "the Alabama Department of Environmental Management and".

Amend House Bill 116 on page 6, lines 5 and 6 by striking the words "the Alabama Department of Environmental Management and".

Amend House Bill 116 on page 28, line 34, by inserting after the period the following language:

Judicial review of any order of the Environmental Management Commission modifying, approving or disapproving an administrative action of the Alabama Department of Environmental Management shall be in accordance with the provisions for review of final agency decisions of contested cases in sections 41-22-20 and 41-22-21, except as provided in subdivision (6) of subsection (c) of section 22-2A-7.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Albright, Bachus, Beasley, Beers, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Davis, Dutton, Faulk, Ford, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Preuitt, Rains, Reed, Richardson, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—70

And the bill, H. 116, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Beers, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Davis, Dutton, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Preuitt, Rains, Reed, Rice, Richardson, Smith, Spratt, Starkey, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—78

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Butler to suspend the rules in order to take up out of order the Budget Isolation Resolution relating to H. B. 704, was lost.

Yeas 4; Nays 4.

Yeas: Reps. Albright, Brooks, Butler and Hettinger.

—4

Nays: Reps. Carothers, Clark (J), Grayson and Hall.

—4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Lindsey, Budget Isolation Resolution, H. B. 805, was adopted.

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Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Davis, Escott, Faulk, Flowers, Gaston, Goodwin, Gray, Grouby, Hammett, Hettinger, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, Marietta, Mathis, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Trammell, Turner, Turnham, Venable, Warren, White (G) and Zoghby.

—71

And the bill:

H. 805. Relating to selling and redeeming lands for taxes in Cleburne County, Alabama; and providing for an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Black, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Burke, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hammett, Harvey, Hettinger, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Mathis, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G) and Zoghby.

—76

BUDGET ISOLATION RESOLUTION

On motion of Rep. White (F), Budget Isolation Resolution, H. B. 461, was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Black, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Davis, Dutton, Escott, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Martin, Mathis, Mitchell, Moore, Newman, Newton, Nicholson, Penry, Perdue, Pratt, Preuitt,

Rains, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Starr, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—75

And the bill:

H. 461. To amend Section 15-21-8, Code of Alabama 1975, which provides for writs of habeas corpus to be granted without delay, so as to provide certain exceptions.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Beers, Black, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Davis, Dutton, Faulk, Flowers, Gaston, Goodwin, Gray, Grouby, Hammett, Harvey, Holley, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McMillan, Marietta, Martin, Mathis, Mitchell, Newman, Newton, Nicholson, Onderdonk, Penry, Perdue, Pratt, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—68

Nay: Rep. Grayson.

—1

BUDGET ISOLATION RESOLUTION

On motion of Rep. Turner, Budget Isolation Resolution, H. B. 451, was adopted.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Black, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Davis, Dutton, Faulk, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harvey, Hettinger, Holley, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McMillan, Marietta, Martin, Mathis, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Penry, Perdue, Pratt, Rains, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—70

And the bill:

H. 451. To provide for the sacking and tagging of oysters taken from Alabama waters for commercial purposes; to prohibit the possession of empty oyster sacks with oyster tags attached thereto; to prohibit the sale, purchase or possession of oysters in violation thereof; to prescribe penalties for the violation thereof; and to provide for the purchase of oyster tags from the

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Department of Conservation and Natural Resources, and the use of the receipts therefrom.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Burke, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Faulk, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Mitchell, Moore, Newman, Newton, Nicholson, Penry, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—71

Nay: Rep. Holley.

—1

BUDGET ISOLATION RESOLUTION

On motion of Rep. Cosby, Budget Isolation Resolution, H. B. 400, was adopted.

Yeas 79; Nays 1.

Yeas:

Mr. Speaker, Albright, Beasley, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—79

Nay: Rep. Marietta.

—1

And the bill:

H. 400. To amend Section 12-15-34, Code of Alabama 1975, so as to provide that a child 14 or more years of age may be transferred by the juvenile court for criminal prosecution as an adult for any crime; to provide that the finding of probable cause at the transfer hearing in the juvenile court shall preclude a further probable cause hearing in the criminal court; to provide that the criminal court may exercise any authority over the child, once transferred, that is otherwise applicable to adult offenders; to provide that transfer to the criminal court and conviction therein terminates jurisdiction of the juvenile court over such child with respect to any pending or subsequent criminal acts; and, to provide an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 1.

Yeas:

Mr. Speaker, Albright, Beasley, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Dutton, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harvey, Hettinger, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—80

Nay: Rep. Holley.

—1

BUDGET ISOLATION RESOLUTION

On motion of Rep. Smith, Budget Isolation Resolution, H. B. 172, was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Blake, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Mathis, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—75

S. 155 SUBSTITUTED FOR H. 172

On motion of Rep. Smith, the bill, S. 155, was substituted for the bill, H. 172.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Smith, Budget Isolation Resolution, S. B. 155, was adopted.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Burke, Buskey (John), Carothers, Carter, Clark (D), Clark (J), Coleman, Crow, Davis, Dutton, Faulk, Flowers, Gaston, Goodwin,

Grayson, Grouby, Hall, Hammett, Harvey, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McKee, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—73

And the bill:

S. 155. To amend Section 2-3A-2 of the Code of Alabama 1975 relating to the types of agricultural facilities permitted to be financed by the Alabama Agricultural Development Authority so as to permit the Authority to finance facilities for the treating, processing or storing of agricultural commodities without regard to whether such activities are customarily engaged in by farmers as a part of farming.

Was read a third time at length and passed.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Burke, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harvey, Hettinger, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McKee, McMillan, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—79

H. 172 INDEFINITELY POSTPONED

On motion of Rep. Smith, the bill:

H. 172. To amend Section 2-3A-2 of the Code of Alabama 1975 relating to the types of agricultural facilities permitted to be financed by the Alabama Agricultural Development Authority so as to permit the Authority to finance facilities for the treating, processing or storing of agricultural commodities without regard to whether such activities are customarily engaged in by farmers as a part of farming.

Was indefinitely postponed.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Mitchell to suspend the rules in order to take up out of order the Budget Isolation Resolution relating to H. B. 530, was lost, lacking a four-fifths vote.

Yeas 49; Nays 17.

Yeas:

Mr. Speaker, Albright, Beasley, Blake, Blakeney, Bowling, Brakefield, Britnell, Brooks, Bugg, Butler, Carter, Clark (D), Clark (J), Coleman, Cosby, Gaston, Goodwin, Grouby, Hall, Hammett, Harvey, Holley, Hooper, Johnson (RG),

Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, McKee, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Poole, Preuitt, Reed, Rice, Richardson, Smith, Starkey, Tanner, Turner, Venable, White (G) and Zoghby.

—49

Nays:

Reps. Bryant, Buskey (James), Buskey (John), Clark (W), Crow, Escott, Grayson, Kennedy, McMillan, McNair, Martin, Melton, Penry, Rains, Sasser, Turnham and Warren.

—17

SPECIAL ORDER RESUMED BUDGET ISOLATION RESOLUTION

On motion of Rep. Martin, Budget Isolation Resolution, H. B. 214, was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Blake, Blakeney, Box, Brakefield, Brooks, Bryant, Bugg, Burke, Buskey (John), Campbell, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Davis, Escott, Faulk, Flowers, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harvey, Holley, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—77

And the bill:

H. 214. To amend Section 11-43-40, Code of Alabama 1975, relating to the composition of city councils in cities having a population of 12,000 or more so as to provide for a procedure to establish a council of not less than four nor more than seven aldermen to be elected from districts and a council president to be elected at large.

Was taken up.

AMENDMENT OFFERED

Rep. Martin offered the following amendment to the bill, H. 214:

Amend H. 214, on page 2 and 3, by deleting lines 34-37 on page 2 and lines 5-8 on page 3 in their entirety and by substituting in lieu thereof the following:

“(5) Notwithstanding the provisions of subdivisions (1), (2), (3) and (4) of this section, the governing body of any city having a population of 12,000 or more which does not elect council members from single-member districts may, by ordinance or resolution, if adopted by two-thirds vote of the governing body more than six months prior to any general municipal election, provide

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that the city council of said city shall consist of five or seven aldermen to be elected from single-member districts (wards). In the event of a vacancy from any cause in the office of mayor in a city which elects its council members from single-member districts as provided in this subdivision, the council shall fill the vacancy in the office of mayor either from its own membership or from without the membership of the council by a majority vote of the council. All members of the council may vote to fill vacancies any provision of the law to the contrary notwithstanding.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (John), Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikkell, Moore, Newman, Newton, Nicholson, Onderdonk, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Rogers, Sasser, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F) and White (G).

—80

And the bill, H. 214, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Reps. Adams, Albright, Beasley, Beers, Blake, Blakeney, Box, Brakefield, Brooks, Bryant, Bugg, Burke, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harvey, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—82

BUDGET ISOLATION RESOLUTION

On motion of Rep. Turnham, Budget Isolation Resolution, H. B. 600, was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (John), Carothers, Carter, Clark (D), Clark (W), Coleman, Cosby, Davis, Dutton, Escott, Flowers, Fuller, Gaston,

Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harvey, Hettinger, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Mathis, Mikell, Newman, Nicholson, Onderdonk, Poole, Pratt, Preuitt, Rains, Reed, Rice, Rogers, Smith, Spratt, Starr, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—69

And the bill:

H. 600. (With Substitute): To create the Alabama Manufactured Housing Commission; to express legislative intent to relieve the fire marshal division of the insurance department of certain duties; to provide for the functions, duties, powers, membership, compensation, terms of office, meetings and other business of the commission; to create a special revolving fund for the commission; to authorize the commission to promulgate rules and regulations and to enter contracts and perform specific duties relative to the standards for the construction of manufactured housing and buildings; and to provide that the functions, powers, authority and duties provided by law, specifically but not limited to Sections 24-5-1 through 24-5-14, 25-5-30 through 25-5-34; 24-4A-1 through 24-4A-7 and Title 24, Chapter 4N, Title 36, Chapter 19N and Title 41, Chapter 9, Article 8, all of the Code of Alabama 1975, and all books, records, supplies and those remaining funds collected since October 1, 1984, which have not been expended since that date, pursuant to and under the authority of the aforesaid acts through legislative budgetary appropriation and otherwise, and pertaining to such housing, including all equipment, personal property, documents, files and personnel of the fire marshal's division subject to and authorized by said code sections, articles and chapters and relating thereto shall be transferred to the Alabama Manufactured Housing Commission.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Insurance, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To create the Alabama Manufactured Housing Commission; to express legislative intent to relieve the fire marshal division of the insurance department of certain duties; to provide for the functions, duties, powers, membership, compensation, terms of office, meetings and other business of the commission; to create a special revolving fund for the commission; to authorize the commission to promulgate rules and regulations and to enter contracts and perform specific duties relative to the standards for the construction of manufactured housing and buildings; and to provide that the functions, powers, authority and duties provided by law, specifically but not limited to Sections 24-5-1 through 24-5-14, 25-5-30 through 25-5-34; 24-4A-1 through 24-4A-7 and Title 24, Chapter 4, all of the Code of Alabama 1975, and all books, records, supplies, pursuant to and under the authority of the aforesaid code sections through legislative budgetary authority and duties provided by law, specifically, but not limited to: Sections 24-5-1 through 24-5-14; 24-5-30 through 24-5-34; 24-4A-1 through 24-4A-7 and Title 24, Chapter 4, all of the Code of Alabama 1975, and all books, records, supplies, equipment,

documents, files, papers, materials, and personnel of the fire marshal's division subject to and authorized by, or under these various code sections and related thereto shall be transferred to the commission. To provide that funds in the amount of \$110,364.00 appropriated to the fire marshal's division for fiscal year 1985-1986 for those functions and purposes enumerated in the above code sections shall be transferred and appropriated to the commission. Also transferred and appropriated to the commission are all funds received from contracts performed by the commission on or after October 1, 1985, pursuant to Section 24-5-13.1, Code of Alabama 1975, pertaining to mobile homes, manufactured housing and manufactured buildings.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the express intent of this act to give administrative relief to the fire marshal division of the insurance department in the supervision of any current or future federal and state statutes and codes relating to manufactured and modular housing and buildings. For such purposes, the Alabama Manufactured Housing Commission is created to perform such administrative functions.

Section 2. The Alabama Manufactured Housing Commission, hereinafter referred to as "the commission," is hereby created and shall function as the principal executive branch agency with powers to provide for a comprehensive manufactured housing and building program with respect to construction, transportation, site location or manufacturing standards for such structures. The commission shall have such other powers and duties as are hereinafter provided.

Section 3. The commission shall be composed of six (6) members, five of which shall be appointed by the governor as follows:

(a) From a list of six (6) nominees submitted by the Alabama Housing Institute, the governor shall select three (3) members. One of whom shall serve a 3-year term of office and two of whom shall serve 4-year terms of office each, thereafter all future nominees shall be submitted as herein provided and all successors shall serve terms of office of 4 years each.

(b) The governor shall appoint from the general public, one (1) member who is a consumer representative whose initial term of office shall be one year and successors shall serve a 4-year term of office.

(c) The governor shall appoint one (1) member who is a representative from any local or state government agency for an initial term of office of 2 years and successors shall serve a 4-year term of office.

Appointed members shall be eligible for reappointment. Any vacancy shall be filled by the governor in the same manner as the original appointments were made for unexpired terms. The president of the Alabama Manufactured Housing Institute shall serve as the sixth member who shall be a non-voting member and shall serve permanently as the secretary of the commission, and shall keep all notes and minutes of the meetings. The appointed members shall select from among their number a chairman each three (3) years, who shall preside over the meetings of the commission.

All members, including the secretary, shall be paid \$100.00 for each day the commission meets and shall receive the same per diem and allowance as is paid state employees for meetings of the commission. The commission shall meet upon the call of its chairman monthly, or twelve (12) times per year.

Section 4. (a) The commission shall be the principal staff agency of the executive branch to provide, with the cooperation of other departments of state governmental units, a comprehensive housing program and procedures which include the relevance for housing programs administered by the state and the governmental structures required to put such programs into effect. The commission shall perform all the duties and exercise all the powers and authority relative to modular housing, manufactured buildings, manufactured housing and mobile homes, heretofore vested in the fire marshal's division within the state department of insurance, and other implied powers. All the functions, powers, authority and duties provided by law, specifically, but not limited to: Sections 24-5-1 through 24-5-14; 24-5-30 through 24-5-34; 24-4A-1 through 24-4A-7 and Title 24, Chapter 4, all of the Code of Alabama 1975, all books, records, supplies, pursuant to and under the authority of the aforesaid code sections through legislative budgetary authority and duties provided by law, specifically, but not limited to: Sections 24-5-1 through 24-5-14; 24-5-30 through 24-5-34; 24-4A-1 through 24-4A-7 and Title 24, Chapter 4, all of the Code of Alabama 1975, and all books, records, supplies, equipment, documents, files, papers, materials, and personnel of the fire marshal's division subject to and authorized by, or under these various code sections and related thereto are also hereby transferred to the commission. Funds in the amount of \$110,364.00 appropriated to the fire marshal's division for fiscal year 1985-1986 for those functions and purposes enumerated in the above code sections shall be transferred and appropriated to the commission. Also transferred and appropriated to the commission are all funds received from contracts performed by the commission on or after October 1, 1985, pursuant to Section 24-5-13.1, Code of Alabama 1975, pertaining to mobile homes, manufactured housing and manufactured buildings. The Housing Coordinator shall serve as administrator of the commission, and along with all other employees to be transferred, shall be transferred without any impairment to his or their present merit system status. All employees of the said commission shall retain their status as state merit system employees and enjoy the benefit thereof.

(b) There is hereby established a revolving fund in the state treasury to be known as the "Alabama Manufactured Housing Commission Fund". Any proceeds remaining at the end of each fiscal year shall not revert to the state general fund, but shall carry forward to the succeeding fiscal years for the use of the commission. All proceeds from federal grants, loans, funds, fees, and state or federal appropriations received or collected by the commission heretofore or hereafter is so appropriated and to be deposited in this account and is to be used only for and to the enurement of this commission.

(c) The commission is authorized to promulgate such rules and regulations not inconsistent with this act as are implied or stated as are necessary to carry out the provisions of this act, pertaining specifically to the manufacture, transportation, or site location of said housing and buildings and building programs in the State of Alabama. The commission is further authorized to promulgate such rules and regulations as it may deem necessary to meet the requirements of the Department of Housing and Urban Development, the National Fire Protection Association or any other recognized standards.

(d) The commission, by rules or regulations, shall establish a schedule of fees to pay the cost incurred by the said commission for the work related to the administration and enforcement of this act. All fees, funds, and monies

received by the commission is hereby appropriated to the commission and to be used only to the enrichment of the said commission.

(e) The commission may enter into any contracts with public or private agencies.

(f) The commission is authorized to hire or fire an administrator and all other employees under the state merit system law. The commission is authorized to set qualifications for employees and compensation through the merit system, for the necessary employees to carry out the provisions of this act.

(g) The commission is authorized to: Make comprehensive and detailed plans for combating the shortage of safe and sanitary housing in Alabama; apply for and accept advances, loans, grants, contributions, and any other forms of assistance from the federal government, state or other public body, or from any other source, public or private; enter into and carry out contracts or agreements in connection with programs funded by the aforesaid sources to serve a public purpose and benefit the citizens of the State of Alabama; and prepare proper legislation to administer the programs.

(h) This act shall not prevent an agency or department of state government from administering the program for which they are responsible.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective October 1, 1985.

And the substitute was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Bachus, Beasley, Beers, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Burke, Buskey (John), Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Davis, Dutton, Escott, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harvey, Hettinger, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, Marietta, Martin, Mathis, Melton, Mikell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—77

AMENDMENT OFFERED

Rep. Turnham offered the following amendment to the bill, H. 600 as amended:

In Section 3, page 3, delete lines 20 and 21 entirely and in lieu thereof insert the following language: unexpired term. The commission shall select a person who shall serve as the sixth member and who shall

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Beers, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Buskey (John), Clark (D), Clark (W), Coleman, Cosby, Davis, Dutton, Escott, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, Marietta, Martin, Mikell, Newman, Newton, Nicholson, Onderdonk, Parker, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Smith, Starr, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—66

AMENDMENT OFFERED

Rep. Penry offered the following amendment to the bill, H. 600 as amended:

And Section 5, re-number subsequent sections.

Nothing contained herein can prevent inspection and compliance with State, county or local fire marshals and/or county and municipal building inspectors.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 79; Nays 0.

Yeas:

Reps. Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (John), Carothers, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Davis, Dutton, Escott, Flowers, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, McNair, Martin, Mathis, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Rogers, Smith, Spratt, Starr, Tanner, Thomas, Trammell, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—79

And the bill:

H. 600. To create the Alabama Manufactured Housing Commission; to express legislative intent to relieve the fire marshal division of the insurance department of certain duties; to provide for the functions, duties, powers, membership, compensation, terms of office, meetings and other business of the commission; to create a special revolving fund for the commission; to authorize the commission to promulgate rules and regulations and to enter

contracts and perform specific duties relative to the standards for the construction of manufactured housing and buildings; and to provide that the functions, powers, authority and duties provided by law, specifically but not limited to Sections 24-5-1 through 24-5-14, 25-5-30 through 25-5-34; 24-4A-1 through 24-4A-7 and Title 24, Chapter 4, all of the Code of Alabama 1975, and all books, records, supplies, pursuant to and under the authority of the aforesaid code sections through legislative budgetary authority and duties provided by law, specifically, but not limited to: Sections 24-5-1 through 24-5-14; 24-5-30 through 24-5-34; 24-4A-1 through 24-4A-7 and Title 24, Chapter 4, all of the Code of Alabama 1975, and all books, records, supplies, equipment, documents, files, papers, materials, and personnel of the fire marshal's division subject to and authorized by, or under these various code sections and related thereto shall be transferred to the commission. To provide that funds in the amount of \$110,364.00 appropriated to the fire marshal's division for fiscal year 1985-1986 for those functions and purposes enumerated in the above code sections shall be transferred and appropriated to the commission. Also transferred and appropriated to the commission are all funds received from contracts performed by the commission on or after October 1, 1985, pursuant to Section 24-5-13.1, Code of Alabama 1975, pertaining to mobile homes, manufactured housing and manufactured buildings.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (John), Carothers, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Davis, Dutton, Escott, Flowers, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harvey, Hettinger, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McKee, Mathis, Melton, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Poole, Pratt, Preuitt, Rains, Reed, Rice, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—75

Nay: Rep. Holley.

—1

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 176. To amend Sections 1, 2, 6, 8, 9, 10, 11, 13, 14, 16, 23, 24, 28 and 29 of Act No. 243, H. 278, of the First Special Session of 1964 (Acts 1964, p. 326) as amended, which provided for the pension and relief system for policemen and firemen of the City of Mobile, Alabama, so as to provide for the qualifications for membership in such system; for the designation of a special fund for certain payments by insurance companies to the system; for a financial consultant for such system; for the composition, powers and duties of the board of directors of such system; for a full-time secretary for such system; prohibiting the garnishment of pensions funds; for eligibility

and participation; for procedures for reimbursement from the city for certain pensions relating to work related disabilities; for computing certain pensions; for allowances to surviving spouses; for the transition of duties and responsibilities between the City of Mobile and the Board; for the procedure on appeal from a decision of the Board; for certain options in electing benefits under such system; for cost-of-living increases in pensions under such system and to specifically repeal Sections 15 and 22 of said act.

Ands finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Penry, Budget Isolation Resolution, H. B. 430, was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Albright, Bachus, Beasley, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Buskey (John), Carothers, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Dutton, Flowers, Gaston, Goodwin, Gray, Grayson, Grouby, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McKee, Marietta, Mathis, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Venable, Warren, White (L) and Zoghby.

—63

And the bill:

H. 430. To amend section 11-41-8, Code of Alabama 1975, so as to validate, in certain cases, municipal corporations attempted to be organized under the laws of this state which might be invalid because of any irregularity in the procedure for incorporation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (John), Carothers, Clark (D), Clark (W), Coleman, Cosby, Davis, Dutton, Escott, Flowers, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harvey,

Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, McNair, Marietta, Mathis, Melton, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—79

BUDGET ISOLATION RESOLUTION

On motion of Rep. Box, Budget Isolation Resolution, H. B. 220, was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (John), Clark (D), Clark (W), Coleman, Davis, Dutton, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Hettinger, Hooper, Junkins, Kvalheim, Lauderdale, Lindsey, Marietta, Mathis, Mitchell, Newman, Nicholson, Parker, Perdue, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Smith, Starkey, Tanner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—54

And the bill:

H. 220. To amend Section 12-21-109, Code of Alabama 1975, relating to the effect of written receipts, releases and discharges so as to clarify the inclusion of judgments entered pursuant to pro tanto settlements.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Albright, Bachus, Biddle, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (John), Clark (D), Clark (J), Clark (W), Coleman, Davis, Dutton, Escott, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Mathis, Melton, Moore, Newman, Newton, Nicholson, Perdue, Poole, Pratt, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turnham, Venable, Warren, White (F), White (G) and Zoghby.

—64

BUDGET ISOLATION RESOLUTION

On motion of Rep. White (L), Budget Isolation Resolution, H. B. 112, was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Albright, Bachus, Beasley, Beers, Blake, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Buskey (John), Carothers, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Dutton, Gaston, Goodwin, Gray, Grayson,

Grouby, Hammett, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lindsey, Marietta, Mathis, Mikell, Newman, Newton, Parker, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Smith, Spratt, Starkey, Tanner, Trammell, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—59

And the bill:

H. 112. To authorize any municipality or group of municipalities, either individually or collectively, to establish a health and accident self-insurance group for the purpose of providing health care and hospital benefits for their officers, employees and family members dependent upon such officers or employees; to authorize the use of public funds in providing such benefits; to provide procedures for the establishment and operation of such groups; to exempt such groups from the regulation by the Department of Insurance of the State of Alabama; to exempt such groups from insurance premium taxes; and to establish an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 8.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Blake, Box, Brooks, Carothers, Clark (D), Clark (W), Coleman, Faulk, Flowers, Fuller, Gaston, Goodwin, Grayson, Hammett, Hettinger, Johnson (RG), Johnson (Roy), Kennedy, Kvalheim, Laird, Lindsey, McMillan, Marietta, Moore, Newman, Newton, Onderdonk, Penry, Preuitt, Reed, Rice, Richardson, Starkey, Starr, Tanner, Turner, Venable, Warren, White (F) and White (L).

—45

Nays:

Reps. Bugg, Burke, Clark (J), Holley, Parker, Rains, Spratt and White (G).

—8

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 152. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Nursing as provided in Sections 34-21-1 through 34-21-26 and 31-21-40 through 31-21-63 of the Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

H. 153. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Optometry as provided in Sections 34-22-1 through 34-22-43 of the Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

H. 154. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Physical Therapy as provided in Sections 34-24-190 through 34-24-217 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-24-192, 34-24-193, 34-24-194 and 34-24-215, so as to: add two additional members to the board; provide further for qualifications of board members; provide further for travel expenses of the board; change the term "therapy" to "therapist" for consistency with remainder of Chapter 24; provide subpoena powers to compel witnesses attendance and evidence for board meetings; and provide further for special research and educational programs.

Also:

H. 156. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Pharmacy as provided in Sections 34-23-1 through 34-23-94 of the Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

H. 158. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Veterinary Medical Examiners as provided in Sections 34-29-1 through 34-29-46 of the Code of Alabama 1975, with certain modifications; to amend Section 34-29-44, Code of Alabama 1975, so as to delete the United States citizen requirement of foreign applicants.

Also:

H. 159. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Hearing Aid Dealers as provided in Sections 34-14-1 through 34-14-33 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-14-3, 34-14-6, and 34-14-7, Code of Alabama 1975, so as to increase the various fees charged by the board.

Also:

H. 164. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Medical Examiners and the Medical Licensure Commission as provided in Sections 34-24-50 through 34-24-53, 34-24-55 through 34-24-59, 34-24-70 through 34-24-78 and 34-24-310 through 34-24-367 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-24-53 and 34-24-54 so as to: authorize the Board to create a special fund to defray costs of litigation involving the board and the commission and their members and staff; to provide further for the deposit and disposition of funds of the board; and to provide further for the compensation of members of the board and the commission.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED
BUDGET ISOLATION RESOLUTION

On motion of Rep. Junkins, Budget Isolation Resolution, H. B. 447, was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Blake, Bowling, Box, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (John), Carothers, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Faulk, Gaston, Goodwin, Gray, Hammett, Hettinger, Holley, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Martin, Mathis, Melton, Mitchell, Moore, Newman, Newton, Parker, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Rogers, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (G) and Zoghby.

—61

And the bill:

H. 447. To amend Section 16-25-14 of the Code of Alabama 1975, relating to benefits generally under the teachers' retirement system, so as to provide further for certain benefits under such system.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Beers, Blake, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Buskey (John), Carothers, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Escott, Faulk, Gaston, Goodwin, Gray, Hammett, Holley, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, Mathis, Mikell, Moore, Newman, Newton, Parker, Perdue, Poole, Pratt, Preuitt, Rains, Richardson, Rogers, Spratt, Starkey, Starr, Tanner, Trammell, Venable, Warren, White (F), White (G) and Zoghby.

—59

RESOLUTION

The following resolution was introduced:

By Reps. Penry and McMillan:

H. J. R. 234. CHANGING THE NAME OF THE TOWN OF GULF SHORES TO THE CITY OF GULF SHORES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, pursuant to Section 11-40-6, Code of Alabama 1975, the Town of Gulf Shores in Baldwin County is hereby called and hereafter shall be called the City of Gulf Shores.

On motion of Rep. Penry, the rules were suspended and the resolution, H. J. R. 234, was adopted.

SPECIAL ORDER RESUMED BUDGET ISOLATION RESOLUTION

On motion of Rep. Grayson, Budget Isolation Resolution, H. B. 521, was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Beers, Biddle, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Buskey (John), Carothers, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Escott, Faulk, Gaston, Goodwin, Gray, Grouby, Hammett, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Melton, Moore, Newman, Newton, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Rains, Richardson, Rogers, Spratt, Starkey, Starr, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—59

And the bill:

H. 521. To amend Sections 16-49-26 and 16-49-27, Code of Alabama 1975, which provide for the meetings and quorum of the Board of Trustees of Alabama Agricultural and Mechanical University, so as to provide further for said meetings and quorum.

Was taken up.

AMENDMENT OFFERED

Rep. Grayson offered the following amendment to the bill, H. 521:

In Section 1, page 2, line 11, delete the underlined word "October" and in lieu thereof, add the following underlined language:

the year or at a different location for such regular meetings

Also in Section 1, page 2, line 13, after the underlined word "times" add the following underlined language:

or locations

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Beers, Blakeney, Box, Britnell, Brooks, Bryant, Buskey (John), Carothers, Clark (D), Clark (J), Clark (W), Crow, Davis, Escott, Faulk, Gaston, Goodwin, Gray, Grouby, Hammett, Hettinger, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Martin, Mathis, Melton, Moore, Newman, Newton, Parker, Perdue, Poole, Pratt, Preuitt, Rains, Richardson, Rogers, Spratt, Starkey, Trammell, Venable, Warren, White (F), White (G) and Zoghby.

—54

And the bill, H. 521, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Beers, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Carothers, Clark (D), Clark (J), Clark (W), Crow, Davis, Escott, Faulk, Gaston, Goodwin, Gray, Grouby, Hammett, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, Melton, Moore, Newman, Newton, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Richardson, Rogers, Spratt, Starkey, Venable, Warren and White (G).

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CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolution and House Bill hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:25 P. M. on April 9, 1985.

H. J. R. 71.

Delivered to the Governor at 5:00 P. M. on April 9, 1985.

H. 176.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Mathis, the House adjourned until 10:00 o'clock a.m., Thursday, April 11, 1985.

EIGHTEENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, April 11, 1985

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Mike E. Shaw, First Baptist Church of Pelham, Pelham, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers,

Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the seventeenth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark (J), the reading at length of the Journal of the House for the seventeenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the seventeenth legislative day was approved.

BILLS ON SECOND READING

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 858. (With Amendments): To provide for victim impact investigations, victim impact reports and voluntary victim impact statements in criminal cases; to provide for their scope, content, and confidentiality; to provide for their use at sentencing and thereafter; to provide defendants and others access to victim impact statements and victim impact reports; to provide victims access to presentence reports under certain terms and conditions; to provide for voluntary victim participation in victim impact investigations and victim impact reports; to provide for voluntary victim allocation at sentencing; to provide for a short title, definitions of terms, and public policy.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 831. To provide for the forfeiture of devices and weapons used in the commission or attempted commission of any crime against a person; to provide for the forfeiture of devices or weapons upon the conviction of a person of the crime of carrying a concealed weapon; to provide for the forfeiture of any device or weapon denominated as unlawful under the laws of the state or which is found on or about the person of any person who

is prohibited by law from carrying or possessing said device or weapon; and to provide for the forfeiture of any device or weapon which is abandoned or otherwise found and the lawful owner cannot be located; and to exempt motor vehicles from the provisions of the act. To further provide for the disposition of said devices or weapons by the district attorney by means of destruction, sale, or use for historical, instructional, or law enforcement upon court order and to exempt devices or weapons which are found to be stolen or otherwise wrongfully possessed and the lawful owner is located.

S. 60. To amend Section 10-3A-2(8) of the Code of Alabama 1975, which section relates to the Alabama Nonprofit Corporation Act, so as to amend the definition of members to include a domestic or foreign nonprofit corporation.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 53. (With Amendment): To provide that any person convicted of certain crimes of violence shall not be eligible for work release.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 890. Proposing an amendment to the Constitution of Alabama of 1901 relative to the fees and compensation of the judge of probate of Autauga County.

The above bill was read a second time at length as required by the Constitution.

H. 914. To provide protection from civil liability to persons rendering assistance in mitigating or preventing hazardous materials accidents.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 922. To amend 1975 Code of Alabama, Section 16-60-110 through Section 16-60-113 so as to repeal Act No. 82-486 of the 1982 Alabama Legislature which created a chancellorship for junior colleges and trade schools; to amend 1975 Code of Alabama, Section 16-5-13 so as to replace Chancellor with State Superintendent of Education; and return authority and responsibility for governance of same to the state board of education.

H. 798. Relating to deputy circuit clerks; to repeal Section 17-2-8, Code of Alabama 1975, which provides for the election of deputy circuit clerks in counties having more than 5 circuit judges; and repealing Section 12-17-99, Code of Alabama 1975, which relates to the supplemental salary of elected deputy circuit clerks.

H. 833. To prescribe additional notice requirements and form thereof where land or real property, or right or interest, or easement therein have taxes, local or state, owed or where sale of such is proposed, or sale thereof has been made pursuant to Title 40, Chapter 10, Code of Alabama 1975, as amended, which relate to the sale of land for delinquent taxes and the manner

thereof; to provide that only to the extent there is any conflict with said Title 40, Chapter 10, Code of Alabama 1975, as amended, the provisions of this act shall supersede and such conflicting laws or parts of laws are specifically repealed.

H. 916. To provide for the regulation and disposal of waste tires; to provide that the State Department of Environmental Management shall enter into a contract with a service contractor which provides for development of a waste tire management and disposal plan and provides for the service contractor to manage the disposal of waste tires; to provide that the Department of Environmental Management shall adopt rules and regulations relating to the management and disposal of waste tires; to levy a tire disposal fee; create a tire disposal fund and provide for disbursements from such fund; to provide that the Director of the Department of Environmental Management may institute proceedings for injunctive relief for persons who violate this act and to provide penalties for violation of this Act.

H. 860. To amend Section 6-8-40 of the Code of Alabama 1975, relating to subscribing, taking and filing of newspapers by judges of probate, so as to provide further for such filing.

S. 29. Relating to sales representatives; requiring written contracts between sales representatives and principals when commissions are involved; requiring the principal to furnish the representative with a signed copy of the contract; providing for the payment of commissions upon termination of certain agreements; providing for civil damages; providing an effective date.

S. 88. To amend Section 36-22-16 of the Code of Alabama, 1975, so as to provide for the compensation of the sheriffs of the several counties in this state.

S. 240. To amend Section 36-22-63, Code of Alabama 1975, relating to the purchase of prior service credit for participation in the supernumerary sheriff's program, so as to extend the time within which such a purchase may be made.

S. 280. To amend Section 36-29-2, Code of Alabama 1975, which creates the state employees' insurance board, so as to provide further for membership on the board.

Rep. Biddle Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 757. Relating to the sale of beer; to amend Section 28-3A-23 of the Code of Alabama 1975 so as to increase the maximum size of containers in which beer may be legally sold.

H. 758. To amend sections 28-3-184 and 28-3-190, Code of Alabama 1975, relating to the levy of excise taxes upon beer and malt or brewed beverages, so as to provide further for the levy of such tax.

H. 804. To prohibit the issuance of license plates and certificates of title on any motor vehicle which was not manufactured to comply with federal emission and safety standards applicable to new motor vehicles as required by the Clean Air Act (42 U.S.C. §7401 *et seq.*) and the National Traffic and Motor Safety Act (15 U.S.C. §1381 *et seq.*) unless the United

States Customs Service or the United States Department of Transportation and the United States Environmental Protection Agency have certified that the motor vehicle complies with such applicable Federal standards; to provide that all documents submitted in connection with applications for license plates and certificates of title shall be in the English language; to provide for the date when such certification requirements become effective; and to make it unlawful for any person to sell such a motor vehicle without the necessary certification of compliance with the federal emission and safety standards.

H. 827. To amend Section 34-23-70 of the Code of Alabama 1975 relating to the operation and management of pharmacies so as to provide for the return of medication under certain circumstances where each dose is individually sealed to prevent contamination.

H. 828. Relating to the board of examiners of nursing home administrators; to amend sections 34-20-2, 34-20-9 and 34-20-13 of the Code of Alabama 1975, so as to further provide for the fees of the board.

H. 877. Relating to the practice of veterinary medicine and surgery in Alabama; to provide for the issuance, suspension, revocation and renewal of licenses for persons admitted to or engaged in the practice of veterinary medicine as a veterinarian or veterinary technician; to create the Alabama State Board of Veterinary Medicine to administer the act; to provide for its organization, officers, jurisdiction, powers and duties; to provide for certain inspections of facilities and the issuance of premise permits; to provide for hearings and appeals; to impose fees and charges and provide for the use of such; to prescribe penalties; and to repeal conflicting laws and to specifically repeal Sections 34-29-1 through 34-29-6, 34-29-20 through 34-29-23 and 34-29-40 through 34-29-46 of the Code of Alabama 1975.

Rep. Cosby, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 892. To amend § 27-8-10, Code of Alabama 1975.

Rep. Cosby, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 389. (With Substitute): To amend Section 32-7-23, Code of Alabama 1975, which relates to uninsured motor vehicle liability insurance policies issued in this state, so as to provide for property damage coverage as part of said uninsured liability insurance policies; to provide for a deductible amount for such property damage coverage; and to provide that such deductible amount shall not apply in certain situations, effective January 1, 1986.

Rep. Cosby, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 878. To amend sections 27-40-1, 27-40-8, 27-40-9, 27-40-10, and 27-40-12, Code of Alabama 1975, relating to insurance premium finance companies, so as to provide further for the regulation of such companies; to

provide additional rates and charges allowable by such companies; and to provide for disbursement of the amount financed and to prohibit certain activities used to induce the financing of such insurance contracts.

H. 584. To amend Section 27-3-27, Code of Alabama 1975, relating to licensing of insurance agents, solicitors or brokers of insurance by insurers, so as to establish requirements and standards for continuing education programs for such persons in Alabama; and to provide certain exceptions.

Rep. Smith, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 910. To amend Section 7-9-307 of the Code of Alabama 1975, so as to provide that a buyer in ordinary course of business of livestock takes free of a security interest created by the seller.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 896. (With Amendment): To alter or rearrange the boundary lines of the City of Albertville, Marshall County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Marshall County, Alabama.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 903. (With Substitute): To provide for an expense allowance for the circuit and district judges of the Fourteenth Judicial Circuit; to be paid by the county comprising such circuit; to fix the amount and method of payment of such expense allowance; and to provide that no retirement contributions shall be deducted from the expense allowance.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 906. To amend Section 16-48-12, Code of Alabama 1975, which provides for the duties of the police officers at Auburn University, so as to provide further for the powers of said officers.

H. 917. Relating to Cullman County; authorizing the county commission to levy and collect additional sales and use taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975, as amended, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the State Department of Revenue; providing for certain exemptions; prescribing penalties and fixing punishment for violation of this act; and providing an advisory referendum.

H. 918. Relating to Cullman County; providing for an advisory referendum relating to ownership of the Cullman Medical Center.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 803. (With Amendments): To amend Sections 1, 2, 6, 8, 9, 10, 11, 13, 14, 16, 23, 24, 28 and 29 of Act No. 243, H. 278, of the First Special Session of 1964 (Acts 1964, p. 326) as amended, which provides for the establishment and operation of pension and relief system for policemen and firemen of the City of Mobile, Alabama, so as to provide for: the qualifications for membership in such system; the designation of a special fund for certain payments by insurance companies to the system; a financial consultant for such system; the composition, powers and duties of the board of directors of such system; a full-time secretary for such system; prohibiting the garnishment of pension funds; eligibility and participation; procedures for reimbursement from the city for certain pensions relating to work related disabilities; computing certain pensions; allowances to surviving spouses; the transition of duties and responsibilities between the City of Mobile and the Board; the procedure on appeal from a decision of the Board; certain options in electing benefits under such system; cost-of-living increases in pensions under such system and to specifically repeal Sections 15 relating to certain retirement procedures, and 22 relating to the option of non-membership of said act.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 850. Relating to Mobile County; to allow the Mobile County Commission, at its discretion, to grant an expense allowance to the District Court Clerk of the Thirteenth Judicial Circuit.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 855. (With Amendment): Relating to Mobile County; establishing a certain matched grant program in the county for the purpose of aiding public agencies that provide services to children and senior citizens; providing for the financing of such program with interest received from investments of county revenues by the tax collector's office; providing for a certain administrative board for such program and authorizing such board to make rules and regulations for such program.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 857. Relating to Mobile County; to exempt from all county, local, or other ad valorem taxes all property owned and used by The Woman's Club of Saraland, Inc., a nonprofit corporation, retroactive to October 1, 1983.

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Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 862. (With Amendment): Relating to Mobile County; to amend further Section 1 of Act No. 111, H. 419, Regular Session 1955 (Acts 1955, p. 356), which relates to the salary of the tax collector, so as to provide further for such salary.

H. 863. (With Amendment): To further amend Section 2 of Act No. 181, H. 117, Regular Session 1957 (Acts 1957, p. 233), as last amended by Act No. 84-827, H. 65, First Special Session, 1984, relating to the Mobile County governing body and the election of county commissioners, so as to require the chairmanship shall rotate among the commissioners.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3 reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 864. Relating to Mobile County; altering, rearranging and extending the boundary lines and corporate limits of the City of Mobile.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 161. (With Amendment): Relating to Mobile County; providing for the abolition of the office of Constable in Mobile County.

Rep. Albright, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 632. To amend Section 1 of Act No. 80-407, H. 792, 1980 Regular Session (Acts 1980, p. 566), relating to a supplement to the salaries of the District Judges of the Twenty-Third Judicial Circuit, so as to provide further for such supplement.

Rep. McKee, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 797. Relating to Montgomery County; to amend Sections 1(11) and 7(2)(h) of Act No. 356, H. 1066, of the 1973 Regular Session (Acts 1973, p. 492), relating to the Montgomery County Retirement System, so as to provide further for the schedule for making retirement allowance payments; and to provide that regular interest rates shall be as determined from time to time by the county commission.

S. 386. Relating to Montgomery County; providing further for the compensation of the tax assessor and tax collector.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered

same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 888. Relating to state health planning; to further provide and clarify the requirement for the issuance of a certificate of need prior to the change in use or conversion of any bed from one health care service to another.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 235. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That immediately upon the adoption of this resolution, but following the Report of Committees, the introduction of bills and resolutions, and Senate Messages, the following bills, along with Budget Isolation Resolutions pertinent thereto and attached hereto, shall be made the special, paramount and continuing order of business for the 18th Legislative Day of the 1985 Regular Session, April 11, 1985, taking precedence over any pending or unfinished business, or any other business of the House under discussion, until such time as said resolutions and bills are disposed of:

<u>Bill & Sponsor</u>	<u>Short Title</u>	<u>Page</u>
<u>H. 788</u> —By Coburn		101
Teacher pay raise		
<u>H. 344</u> —By Clark (J)		63
U.S.S. Alabama Battleship Commission		
<u>H. 722</u> —By Biddle		95
Certificates of need, moratorium imposed		
<u>H. 468</u> —By Thomas		42
Voting, Dep. Registrar req. to be at court house during all official hours, Bd. of Registrars req. to be open certain time prior to election deadline.		
<u>S. 215</u> —By Smith (J)		72
State employees; payroll deductions from paychecks regulated		
<u>H. 457</u> —By Laird (As Substituted)		43
Onsite disposal systems regulated prior to subdivision being approved		
<u>H. 646</u> —By Tanner (As Amended)		65
Child care facilities, records and background information checks on operators and other employees		
<u>S. 111</u> —By Bishop		73
County commissions, min. comp. estb., Sec. 11-3-4.1 am'd.		
<u>H. 524</u> —Clark (J)		62
Athletic events, cert. ones exempt from gross receipts tax, Sec. 40-23-4 am'd		

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<u>H. 191</u> —By Drinkard	80
Coosa Valley Development authority, approp. from the general fund	
<u>H. 650</u> —By Buskey (John)	88
Library theft, crime of, created, penalties	
<u>H. 557</u> —By McNair	98
Elections, procedures for special elections to fill vacancies in legislature	
<u>S. 62</u> —By Holmes	87
Computer crime act, estab., penalties, provided	
<u>H. 724</u> —By Coburn	86
Legislative Fis. Off., duties alt., Sec. 29-5-7 Am'd.	
<u>H. 487</u> —By Johnson (Roy)	102
P. T. A. officers and employees, authorized to join teachers retirement system	
<u>H. 354</u> —By Beers	75
Abortions, prohibited for minors, penalties provided	
<u>H. 569</u> —By Richardson (As Substituted)	69
Indian Affairs Commission, membs. to incld. the Cherokees of Jackson County, Sec. 41-9-708 am'd.	
<u>H. 708</u> —By Johnson (Roy) (As Substituted)	97
Banks and banking, finance charge defined, Sec. 5-19-1 Am'd.	
<u>H. 456</u> —By Hooper	42
Elections, alternative place of holding, designated by co. comm. Sec. 17-5-12 am'd.	
<u>H. 730</u> —By Johnson (RG)	91
Automotive dismantlers and parts recyclers, licensing of, Secs. 40-12-410, 40-12-411, 40-12-412, 40-12-413, 40-12-414, 40-12-415, 40-12-416, 40-12-418, 40-12-419, 40-12-420, 40-12-421, 40-12-422, 40-12-423 am'd.	

On motion of Rep. Clark (J), the resolution, H. R. 235, was adopted.

H. 704 RECOMMITTED

On motion of Rep. Hall, the Speaker recommitted the bill, H. 704, to the Standing Committee on Local Legislation No. 4.

LEAVE OF ABSENCE

At the request of Rep. Bachus, leave of absence was granted for Rep. Seibels, due to illness.

NOTICE IN WRITING

Reps. Tanner, Moore, Blake, Nicholson, Brakefield, Mitchell, Smith and Poole filed the following Notice in Writing:

Notice is hereby given in accordance with the House Rules that on the next legislative day a motion will be made to offer a new House Rule 74 as follows:

74. The standing committee, Local Legislation No. 2, shall consider all legislation relating to the following counties: Jefferson, Walker, Blount, St. Clair, Shelby, Bibb and Tuscaloosa. The house members representing any portion of any of the said counties shall each be a member of the Committee.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 490. To fix the state salary of a district judge at a relationship to the state salary of a circuit judge on October 1, 1986, so that the state salary of a district judge shall be \$2,000 less than the state salary of the district attorney who practices before the district judge and is an officer of the district judge's court.

JIMMY CLARK,
Chairman.

And the bill, H. 490 as engrossed, was ordered sent to the Senate.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Black:

H. R. 236. MOURNING THE DEATH OF MR. ALBERT JOHNSON OF SUMTER COUNTY, ALABAMA.

Also:

By Rep. Flowers:

H. R. 237. COMMENDING CURREN ADAMS FARMER.

Also:

The following resolutions were introduced:

By Reps. Hooper and Starr:

H. J. R. 238. MOURNING THE DEATH OF JACK CRENSHAW OF MONTGOMERY, ALABAMA.

WHEREAS, the Alabama Legislature grievously records the death of Jack Crenshaw of Montgomery, Alabama, on January 17, 1985, at the age of 79 years; and

WHEREAS, Mr. Crenshaw, a prominent attorney and civic leader, was a native and lifelong resident of Montgomery; at the age of 15, he entered Vanderbilt University as a sophomore, and graduated from the University of Alabama with the A. B. degree in 1923, and as the youngest member, at that time, of Phi Beta Kappa academic honorary; and

WHEREAS, following acquisition of his degree from the University of Alabama School of Law, where he was a member of Delta Phi legal honorary, Mr. Crenshaw attended Harvard University in 1925-26; and

WHEREAS, Mr. Crenshaw, in service to the profession he loved, was a member of the Montgomery County, Alabama State and American Bar Associations and of the Montgomery County, Alabama and American Trial Lawyers Associations, serving in office, chairmanship and other leadership capacities including participation in the rewriting of the Federal Code of Evidence; and

WHEREAS, he also was greatly active in leadership of numerous civic and community organizations including the American Lung Association of Alabama, Montgomery Safety Council, Masonic Home, Alcazar Shrine Temple, the Jimmy Hitchcock Memorial Award Committee and both the Montgomery Area and Alabama Chambers of Commerce; and

WHEREAS, Mr. Crenshaw further was deeply committed in his involvement with the First Presbyterian Church of Montgomery and Memorial Presbyterian Church, serving both as deacon, elder and trustee and as a Sunday School teacher at Memorial Church; he was a member and held several offices of trust with Gideons International and was a member of the Board of Trustees of the Presbyterian Home for Children; and

WHEREAS, he was author of a number of legal publications, and was the recipient of such prestigious awards as the 1925 Southern Athletic Golf Championship, the Heacock Award from the American Lung Association and inclusion in the published biographies of Who's Who in Commerce and Industry, in the South and Southwest, in America and in American Law; he additionally was a former member of the faculty of the Law Science Academy and was appointed in 1951 as a Special Justice to the Supreme Court of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Jack Crenshaw of Montgomery, Alabama, a truly distinguished Alabamian whose loss is a sorrow shared by all those privileged to know him as a man of honor, principle and truth.

BE IT FURTHER RESOLVED, That copies of this resolution of concern be provided for Mr. Crenshaw's family.

On motion of Rep. Hooper, the rules were suspended and the resolution, H. J. R. 238, was adopted.

Also:

By Reps. Zoghby and Drake:

H. J. R. 239. MOURNING THE DEATH OF THOMAS ALEXANDER JOHNSTON, III, OF MOBILE, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature records the death of Thomas Alexander Johnston, III, of Mobile, Alabama, on November 10, 1984, at the age of 68 years; and

WHEREAS, Mr. Johnston, who was educated in the public schools of Mobile, was a 1938 graduate of the University of Alabama School of Law and was a member of Pi Kappa Phi and Phi Delta Phi fraternities; and

WHEREAS, in the private practice of law in Mobile from 1938 until his death, Mr. Johnston served the profession he loved through active membership in and as past president of the Mobile Bar Association, and as chairman of the Grievance Committee for a lengthier tenure than any other MBA member; he was a zealous guardian of the high repute of the legal profession and an ardent advocate of self-discipline by its practitioners; and

WHEREAS, at the time of his death, Mr. Johnston was serving as a member of the state Constitutional Revision Committee; from 1976 to 1978, was a member of the Judicial Compensation Commission; and was listed in Who's Who in America; and

WHEREAS, Mr. Johnston was a former member of the Alabama Legislature, having served in both the House and the Senate during the period 1940-1952, and served as president and was a longtime member of the Mobile County Wildlife and Conservation Society; he was senior warden and former vestryman of Trinity Episcopal Church, a member of the Wilmer Hall Board and the Saint Andrew's Society of the Midsouth, and was a Mason and member of numerous other civic, community and mystic organizations; and

WHEREAS, further, Thomas Alexander Johnston, III, as an American citizen, held the distinction of being the 13th baronet of Caskieben Aberdeenshire, Scotland, an historic title inherited from his Scottish forebears dating from 1626; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Thomas Alexander Johnston, III, of Mobile, a truly distinguished Alabamian, and extend our deep sympathy and expressed concern to his wife, Mrs. Helen Gaillard DuBois Johnston, and their children, Helen DuBois Sargent, Leslie Sheldon Krempa and Thomas A. Johnston, IV, for whom copies of this resolution shall be provided.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 239, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 116. To amend the Alabama Administrative Procedure Act, Act No. 81-855, Acts of Alabama 1981 (codified as Chapter 22, Title 41, Code of Alabama 1975), by specifically amending Section 41-22-3, Code of Alabama 1975, relating to the definition of "agency" to include the state fire marshal and to delete those exempted agencies which no longer exist, and relating to the definition of "rule" to exempt from that definition any form which is specifically required by federal statute or by federal rule or regulation, but providing that all forms must be on file with the secretary of the agency and with the legislative reference service and published in the agency administrative code and relating to the definition of "contested case" to exempt

from that definition and the provisions of Sections 41-22-12 through 41-22-21, Code of Alabama 1975, certain pardon and parole hearings; by amending Section 41-22-6, Code of Alabama 1975, relating to the effective dates of rules so as to permit an effective date of less than 35 days where the action is required by or to comply with a federal statute or regulation which requires adoption of a rule upon fewer than 35 days' notice and to require that adopted rules be filed within 90 days after notice; by amending Section 41-22-8, Code of Alabama 1975, relating to the time limitation placed upon agency action upon a petition in writing requesting the adoption, amendment or repeal of a rule so as to grant an agency which has its next regularly scheduled meeting beyond said 60-day period, the authority upon written notice to extend the period for not more than 30 days within which to deny or initiate rule-making proceedings; by amending Section 41-22-11, Code of Alabama 1975, to correct appeals reference; by amending Section 41-22-12, Code of Alabama 1975, relating to contested cases to permit, where now permitted by existing statute, delivery of notice of hearing by first-class mail, postage prepaid, to be effective upon the deposit of the notice in the mail; and further to provide that where the statutory determinative process is a multi-level procedure, the opportunity to present evidence need be afforded at only one level in the process unless otherwise provided by statute; by amending Section 41-22-13, Code of Alabama 1975, relating to rules of evidence so as to provide that, where judicial review is by a trial de novo, it is not necessary to make objections or for the agency to rule upon objections during a hearing, where such procedure is announced in advance of hearing, but requires the agency in such case to consider only such testimony and evidence as is relevant, material, competent and legal; by amending Section 41-22-16, Code of Alabama 1975, relating to final decisions and orders to provide that notification of all orders, except the final order, may where permitted by existing statute, be delivered by first-class mail, postage prepaid, and delivery to be effective upon deposit of the notice in the mail; by amending Section 41-22-20, Code of Alabama 1975, relating to judicial review of contested cases to require that a cost bond must be filed with the agency in order to initiate appeal or review; to make the 30-day period within which to appeal or to institute judicial review uniform in all cases, to provide for appeal or review by the courts by a trial de novo where permitted by existing or future statute; to provide that appeals from agency orders may also be filed in the circuit court of Montgomery County; by amending Section 41-22-21, Code of Alabama 1975, relating to appeals from final judgments of circuit courts to require that an appeal must be taken to the appropriate appellate court within 42 days from entry of judgment; by amending Section 41-22-23, Code of Alabama 1975, to clarify the time in which the joint committee on administrative regulation review has to approve or disapprove a proposed regulation and to provide further for the number of copies of a proposed rule an agency shall furnish the committee; by amending Section 41-22-24 to provide the procedure for reconsideration of disapproved rules by the legislature; amending Sections 41-22-25 and 41-22-27, Code of Alabama 1975, to clarify the effective date and publication date of the Alabama Administrative Procedure Act; and repealing the exemption of the Alabama Department of Environmental Management as set forth in Section 14(d) of Act No. 82-612, Acts of Alabama 1982.

JIMMY CLARK,
Chairman.

And the bill, H. 116 as engrossed, was ordered sent to the Senate.

RESOLUTIONS

The following resolution was introduced:

By Reps. Britnell, Drake, Turnham, Goodwin, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuit, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 240. COMMENDING WALSTON HESTER OF FRANKLIN COUNTY, ALABAMA.

WHEREAS, Walston Hester of Franklin County, Alabama, served with distinction in the Alabama Legislature from 1962 to 1966; and

WHEREAS, Walston Hester is a most highly respected citizen of his community and is widely known as a humanitarian with an outstanding record of service to civic, educational and religious organizations; and

WHEREAS, in 1963, the Honorable Walston Hester was a principal sponsor of the legislation which fathered the two-year public Community, Junior and Technical College System in the State of Alabama, and more particularly, by Act Number 93 of the 1963 second special session, created in Franklin County Alabama's first public junior college, Northwest Alabama State Junior College; and

WHEREAS, more than one-half of all college freshmen in the State of Alabama are enrolled in two-year colleges, and in excess of 50,000 Alabamians now enjoy an educational opportunity afforded by 43 different two-year colleges throughout Alabama which compose the outstanding educational system that is now celebrating its 20th year of service to Alabama's youth; and

WHEREAS, Walston Hester further sponsored legislation which created a scholarship fund for eligible two-year resident students of Franklin County, thereby providing an educational opportunity that might otherwise be beyond a student's means; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Walston Hester of Franklin County, Alabama, for notable service to his community and to the State of Alabama, and for his foresight and instrumental role in the establishment of Alabama's two-year Community, Junior and Technical College System.

BE IT FURTHER RESOLVED, That in small token of gratitude and highest regard, a copy of this resolution shall be presented to the Honorable Walston Hester of Franklin County, Alabama.

On motion of Rep. Britnell, the rules were suspended and the resolution, H. J. R. 240, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Harvey:

H. R. 241. COMMENDING H. GRADY NESMITH OF ONEONTA, PROMINENT ALABAMA BANKER.

Also:

By Rep. Coleman:

H. R. 242. COMMENDING EILEEN CAMPBELL OF ARAB, ALABAMA, 1985 WOMAN OF ACHIEVEMENT.

Also:

By Rep. Junkins:

H. R. 243. MOURNING THE DEATH OF JAMES ARTHUR HOWARD OF GLENCOE, ALABAMA.

Also:

By Rep. Biddle:

H. R. 244. COMMENDING SOPHIA CLIFFORD OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

The following resolution was introduced:

By Rep. Biddle:

H. R. 245. RECOGNIZING LEFTHANDERS AWARENESS WEEK, APRIL 14-20, 1985, AND COMMENDING LEFTHANDERS HALL OF FAME MEMBERS.

WHEREAS, Lefthanders throughout the generations and the world over have been misunderstood, subjected to ridicule, discriminated against and in general left out of the mainstream of Society in various ways; and

WHEREAS, in most instances, appliances, automobiles, adding machines, clothing, lawnmowers, guns, furniture, sporting goods, typewriters, tools and many other items of daily use are made for righthanders; and

WHEREAS, many of the leading Athletes, Artists, Military Leaders, Scientists, Scholars, Presidents and other men and women are by God's gift Lefthanders; and

WHEREAS, The Governor of Alabama has proclaimed the Week of April 14-20, 1985, as Lefthanders Awareness Week in Alabama and encouraged ALL citizens to support and encourage programs of Lefthanded Awareness; and

WHEREAS, Southpaw's International will induct into the Lefthanders Hall of Fame the following Outstanding Lefthanded Men and Women:

James A. Mitchener, Lefthander of the Year

Kate Jackson, Lefthander of the Year

Bill Bradley

Joe Carothers

Karen Carlisle

Natalie Cole

Jeff Germany

Hamilton Jordan

Luther Lee

Nancy Pierce

Ron Price

Robert Redford

Tabby Slawson

John Weichman

Michael Wetzell

Pat Wigginton; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we commend ALL members of the Lefthanders Hall of Fame for their contributions that qualified them for selection.

BE IT FURTHER RESOLVED, That we also express recognition and support of April 14-20, 1985, as Lefthanders Awareness Week.

RESOLVED FURTHER, That copies of this resolution be sent to each member of the Lefthanders Hall of Fame as evidence of our esteem for their contributions.

On motion of Rep. Biddle, the rules were suspended and the resolution, H. R. 245, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Reed:

H. R. 246. COMMENDING AND CONGRATULATING TUSKEGEE INSTITUTE HIGH SCHOOL ON THE STATE 6A BASKETBALL CHAMPIONSHIP.

Also:

By Rep. Kvalheim:

H. R. 247. MOURNING THE DEATH OF JOSEPH YOUNG LORD OF MOBILE, ALABAMA.

Also:

By Rep. Kvalheim:

H. R. 248. MOURNING THE DEATH OF NOLAN S. McLEAN OF MOBILE, ALABAMA.

Also:

The following resolutions were introduced:

By Reps. Kvalheim and Gaston:

H. J. R. 249. MOURNING THE DEATH OF EDWINA REBECCA FLOWERS BUSBY OF MOBILE, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature notes the death of Edwina Rebecca Flowers Busby of Mobile, Alabama, on December 23, 1984, at the age of 61 years; and

WHEREAS, though a native of Meridian, Mississippi, Mrs. Busby had been a resident of Mobile for 40 years and was active in many civic affairs, most particularly in the Gulf Hills Baptist Church and in working for the improvement of the Beau Terra area; she also was instrumental in forming the Wolf Ridge Road Civic Association and had served as the association's president; and

WHEREAS, Mrs. Busby further was very active in the political process in Mobile County and the State of Alabama and was highly respected for her honesty, sincerity and integrity; and

WHEREAS, not only was she active politically in city, county and state affairs, but also concerned herself with national affairs, keeping in contact with many national leaders including former Presidents Richard Nixon and Gerald Ford, as well as numerous other dignitaries throughout the United States; and

WHEREAS, among a number of honors, recognition and accolades, Mrs. Busby served as a Lieutenant Colonel on the Governor's Staff during the early years of the administrations of Governors George and Lurleen Wallace; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Edwina Rebecca Flowers Busby of Mobile, Alabama, and direct that copies of this resolution be forwarded to her beloved husband and daughter, Joseph Harold Busby and Renee Antoinette Busby, that they may know of our sincerely shared sorrow in their great and grievous loss.

On motion of Rep. Kvalheim, the rules were suspended and the resolution, H. J. R. 249, was adopted.

Also:

By Reps. Kvalheim and Penry:

H. J. R. 250. MOURNING THE DEATH OF SIDNEY JOHNSTON GRAY OF DAPHNE, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama notes the death of Sidney J. Gray of Daphne, Alabama, on February 9, 1985; and

WHEREAS, a native of Waynesboro, Mississippi, and a graduate of the University of Mississippi and of the University of Alabama School of Law, Sidney Gray was a veteran of World War I and a retired U.S. District Court bankruptcy judge, serving in said capacity from 1955 until 1973; and

WHEREAS, prior to his judgeship, Judge Gray was engaged in the private practice of law which he established in 1925; he was appointed federal referee in bankruptcy cases in 1943, so serving on a part-time basis and maintaining his law practice until he became a full-time judge; and

WHEREAS, Judge Gray was a former president of the Junior Chamber of Commerce, former chairman of the Board of Registrars, and was a former member of the Lions Club, Optimist Club, the American Legion, the Mobile Country Club and several mystic societies; he further was a recipient of the M. O. Beale Scroll of Merit and was a member of Fairhope Presbyterian Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Sidney Johnston Gray of Daphne, Alabama, and extend our deepest sympathy to his wife, Mrs. Ina Chason Gray; sons, Sidney J., Jr., and John Chason Gray; his daughter, Mrs. Robert M. Wienacker, Jr., and to other family members whose sorrow we share and for whom copies of this resolution shall be provided.

On motion of Rep. Kvalheim, the rules were suspended and the resolution, H. J. R. 250, was adopted.

Also:

By Reps. Kvalheim and Gaston:

H. J. R. 251. COMMENDING THOMAS M. TYRRELL OF MOBILE, ALABAMA.

WHEREAS, the Legislature of Alabama notes with commendation the recent promotion of Thomas M. Tyrrell of Mobile, Alabama, to the position of manager of business development for the southeast region of Payne and Keller Company; and

WHEREAS, Mr. Tyrrell, who was formerly responsible for the company's mid-Gulf operations development, is now managing development in the seven-state area of North and South Carolina, Georgia, Florida, Tennessee, Mississippi and Alabama; and

WHEREAS, a native of Mobile and a graduate of the University of South Alabama, Mr. Tyrrell is vice president and member of the board of directors of Associated Builders and Contractors of South Alabama and is a member also of the Oil and Gas Committee of the Mobile Area Chamber of Commerce; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Thomas M. Tyrrell of Mobile, Alabama, for outstanding professional achievement and community service and direct that he receive a copy of this resolution expressing the Legislature's sincere warm praise and regard of his numerous accomplishments.

On motion of Rep. Kvalheim, the rules were suspended and the resolution, H. J. R. 251, was adopted.

Also:

By Rep. Beasley:

H. J. R. 252. COMMENDING COACH STEVE WILLIAMS OF HEADLAND HIGH SCHOOL.

WHEREAS, veteran basketball coach, Steve Williams, of Headland High School, has achieved a phenomenal 389-105 career record and, in his fifteen years at Headland, has built an outstanding basketball program that continues to produce teams of championship calibre; and

WHEREAS, Coach Williams' Headland High teams, for example, have either won or tied for the Wiregrass Athletic Conference title every year since 1975; and

WHEREAS, in 1983-84, Coach Williams directed Headland to a phenomenal 24-5 season record; to the WAC Mid-Season Tournament Title; and all the way to the top for the State Class 2A Basketball Championship; and

WHEREAS, Steve Williams also, following the '84-'85 season, was selected to coach the 1A-2A South All-Star team; and

WHEREAS, under Coach Williams, Headland High School has won the Dothan Progress Christmas Prep Classic for three consecutive years and his 1984-85 team was a semifinalist in the State 3A Tournament; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding accomplishment and of his distinguished career, we hereby commend Coach Steve Williams, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

On motion of Rep. Beasley, the rules were suspended and the resolution, H. J. R. 252, was adopted.

Also:

By Rep. Beasley:

H. J. R. 253. COMMENDING BOBBY JOE JACKSON OF HEADLAND HIGH SCHOOL FOR OUTSTANDING ACCOMPLISHMENT.

WHEREAS, the Legislature of Alabama notes with highest commendation the outstanding basketball career of Senior center, Bobby Joe Jackson of Headland High School; and

WHEREAS, in 1983-84, as a member of Headland's State Championship 2A Team, Bobby Joe Jackson was named Tournament MVP; and

WHEREAS, he further was the Dothan Progress selection for Player of the Year, 1984-85, and also was named Player of the Year in 1985 by the Dothan Eagle; and

WHEREAS, Bobby Joe Jackson is indeed an outstanding athlete who has averaged 21 points, 14 rebounds and two blocked shots per game, truly phenomenal statistics that are reflected in such additional accolades as MVP designations in the 1984-85 Dothan Progress Classic, the 1985 Wiregrass Athletic Conference and Area Tournaments, and in his prestigious selection as a McDonald's All-American nominee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Headland High School's Senior center, Bobby Joe Jackson, for outstanding achievement and direct that he receive a copy of this resolution, executed in sincere admiration and esteem.

On motion of Rep. Beasley, the rules were suspended and the resolution, H. J. R. 253, was adopted.

Also:

By Rep. White (G):

H. J. R. 254. COMMENDING THE HOMEWOOD HIGH FORENSIC TEAM.

WHEREAS, Homewood High School, Homewood, Alabama, is the only school in the State of Alabama to ever have a National Champion in the fifty-four year history of the National Speech and Debate Tournament; and

WHEREAS, Homewood High School Forensic Team also is the only team in the State of Alabama to have a National Champion Runner-up at the National Speech and Debate Tournament; and

WHEREAS, Homewood High School has been commended by the National Forensic League and presented the "Excellence in Speech" Award; and

WHEREAS, Homewood High School has qualified four students—Allon Garland, Amy Coxwell, Rachel Johnson and Kim Powell—to compete in the 1985 National Speech and Debate Tournament; and

WHEREAS, Homewood High School won the Trophy Award at the Deep South National Forensic League District Tournament for continuous outstanding competition in the District Tournament; and

WHEREAS, Homewood High School won the Sweepstakes Award for the third year in a row at the Deep South District Tournament 1985; and

WHEREAS, Miss Patricia A. Bailey, coach of the Homewood High Forensic Team, has qualified more students to the National Speech and Debate Tournament than any active coach in the State of Alabama and holds the highest coaching level, that of Diamond Coach, in the National Forensic League; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in inordinate pride, we hereby most highly commend the Homewood High School Forensic Team for outstanding accomplishment, and for the distinguished honor the team has brought to their school, the City of Homewood and to the entire State of Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to Miss Patricia Bailey for appropriate presentation and display at Homewood High School.

On motion of Rep. White (G), the rules were suspended and the resolution, H. J. R. 254, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Penry and McMillan:

H. R. 255. HONORING ALEX (TUMPSEY) TRIONE FOR HIS SERVICE TO THE DEMOCRATIC COMMITTEE IN BALDWIN COUNTY.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Zoghby, Marietta, Kennedy, Box, McDowell, Albright, Trammell, Escott, Spratt, Boles, Turnham, Bugg, Davis, and Rogers:

H. 923. To allow divorced spouses to petition the court to receive a portion of their former spouses' military retirement and retainer pay even though the original decree did not grant consideration of the military retirement pension and retainer pay.

Committee on Judiciary.

By Rep. Onderdonk:

H. 924. To grant to the Alabama Court of Civil Appeals the power to hire additional staff attorneys.

Committee on Ways and Means.

By Rep. Onderdonk:

H. 925. To grant to the Alabama Court of Civil Appeals the power to administer oaths, take affidavits, or acknowledgements.

Committee on Judiciary.

By Reps. Boles, Gray, and Pratt (With Notice and Proof):

H. 926. Relating to Jefferson County; providing that certain employees in the tax assessor's office who have received certain professional recognition as appraisers, mappers and tax administrators shall be entitled to certain additional compensation for such recognition to be paid from the county general fund.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 926, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Martin:

H. 927. To amend Section 26-16-31, Code of Alabama 1975, which provides for a state income tax refund designation program for the Children's Trust Fund, so as to increase the designations to \$5.00 for an individual tax return and \$10.00 for a joint tax return, effective for the tax year 1985.

Committee on State Administration.

By Rep. Martin:

H. 928. To amend the Code of Alabama 1975, Sections 26-16-3 and 26-16-30, relating to the Child Abuse and Neglect Prevention Board by providing further for the authorities, powers and duties of both the state Child Abuse and Neglect Prevention Board and the executive director of the Children's Trust Fund as to the hiring of staff and compensation of staff and to provide further for the distribution of funds.

Committee on State Administration.

By Reps. McMillan, Campbell, and Coleman:

H. 929. To amend further Sections 40-22-1 and 40-22-2, Code of Alabama 1975, which relate to recordation tax on certain instruments received for record in the probate offices of this state, so as to provide further for the rates of such taxes, for the commissions allowed for the collection of such recordation taxes and for the distribution of such taxes when collected; to establish in the state treasury the "Alabama Conservation and Recreation Land Acquisition Fund" for use to acquire land for certain conservation and recreation purposes; and to create and establish a land acquisition committee.

Committee on Ways and Means.

By Reps. Carothers and Johnson (RG):

H. 930. To amend Section 27-1-10 of the Code of Alabama 1975, relating to insurance so as to further provide for expanding the types of insurer of certain kinds of insurance policies and to provide for freedom of choice for services of certain practitioners.

Committee on Insurance.

By Rep. Turner:

H. 931. To establish the Alabama Hospital Cost Containment Commission which is to regulate the rates of all hospitals throughout Alabama in an effort to contain escalating hospital costs; to designate the Alabama Hospital Cost Commission as Alabama's state health planning agency and to make the Alabama Hospital Cost Commission responsible for certificates of need.

Committee on Health.

By Reps. Kennedy, Turner, Ford, Nicholson, and Newman:

H. 932. To make a supplemental appropriation to the Alabama Commission on Higher Education for the purpose of funding the National Guard Educational Assistance Act.

Committee on Ways and Means.

By Reps. McKee, Rice, Beasley, Mikell, Hooper, Brooks and Flowers:

H. 933. Proposing an amendment to the Constitution of 1901, relating to compensation and expense allowances for the legislature.

Committee on Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Reps. Tanner and Onderdonk:

H. 934. To amend Section 12-12-70, Code of Alabama 1975, which section relates to appeals from district courts to provide for the dismissal of such appeals in certain instances; to provide for an appearance bond on such appeals and procedures for its forfeiture; to provide for the collection of fines and costs, and to provide for the place of commitment where the sentence of the circuit court includes a term of imprisonment.

Committee on Judiciary.

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By Reps. Browder, Biddle, Trammell, Carothers, Flowers, Turner, and Crow:

H. 935. To provide for minimum arresting officer manpower requirements for the Alabama Department of Public Safety.

Committee on Ways and Means.

By Reps. Parker, Biddle, Martin, Drake, Smith, Bugg, Lauderdale, Carter, Starkey, Moore, Clark (D), Goodwin, Albright, Grayson, Junkins, Newman, Clark (J), Escott, Richardson, Blake, Zoghby, Burke, Trammell, Boles, Gray, Spratt, White (G), Ford, Harvey, Bowling, White (L), Cosby, Johnson (Roy), Warren, Gaston, Grouby, Kvalheim, Flowers, Carothers, Beasley, Hammett, Venable, Johnson (RG), Laird, Adams, Crow, Browder, Mathis, Penry, Lindsey, McMillan, Harper, Marietta, Turner, Onderdonk, Blakeney, and Holley:

H. 936. Relating to missing persons and unidentified deceased persons; to create a statewide information center within the state department of public safety to receive reports and investigations of such persons; to require the bureau to enter and cancel certain information to the National Crime Information Center (NCIC) computer; to provide for certain other responsibilities of the bureau; to require the bureau to provide lists of missing school children, grades K-12, to the state board of education; to provide that the bureau shall upon request, assist local law enforcement agencies and other agencies to set up direct computer access to the state's computer system and to provide that the bureau maintain a toll-free telephone number for reporting by other persons of missing persons.

Committee on Judiciary.

By Reps. Martin, Drake, Smith, Bugg, Tanner, Lauderdale, Onderdonk, Carter, Biddle, Starkey, Moore, Clark (D), Goodwin, Albright, Junkins, Newman, Clark (J), Richardson, Blake, Zoghby, Burke, Trammell, Boles, Gray, Spratt, Escott, White (G), Ford, Harvey, Bowling, White (L), Cosby, Warren, Grouby, Johnson (Roy), Flowers, Carothers, Beasley, Hammett, Venable, Johnson (RG), Laird, Adams, Crow, Browder, Gaston, Penry, Lindsey, Mathis, Kvalheim, McMillan, Harper, Marietta, Turner and Holley:

H. 937. Requiring all public and private schools in this state to report a child's absence from school to the parent or guardian if the child is not in school by 10:00 a.m.

Committee on Judiciary.

By Reps. Martin, Drake, Smith, Bugg, Onderdonk, Parker, Tanner, Lauderdale, Biddle, Carter, Starkey, Moore, Clark (D), Goodwin, Albright, Grayson, Junkins, Newman, Clark (J), Richardson, Blake, Zoghby, Burke, Trammell, Boles, Spratt, Gray, Escott, White (G), Ford, Harvey, Bowling, White (L), Cosby, Johnson (Roy), Warren, Grouby, Flowers, Carothers, Beasley, Hammett, Kvalheim, Venable, Johnson (RG), Laird, Adams, Crow, Browder, Gaston, Penry, Lindsey, Mathis, McMillan, Harper, Marietta, Turner, Blakeney, and Holley:

H. 938. Relating to child victims of crime, to grant certain assurances that children will be given certain assistance during the course of a criminal proceeding in which the child is the victim.

Committee on Judiciary.

By Reps. Martin, Drake, Smith, Bugg, Parker, Tanner, Lauderdale, Onderdonk, Carter, Starkey, Moore, Clark (D), Goodwin, Albright, Grayson, Junkins, Newman, Clark (J), Biddle, Richardson, Blake, Zoghby, Burke, Trammell, Boles, Gray, Spratt, Johnson (Roy), Escott, White (G), Ford, Harvey, Bowling, White (L), Cosby, Warren, Grouby, Flowers, Kvalheim, Beasley, Carothers, Hammett, Venable, Gaston, Johnson (RG), Laird, Adams, Crow, Browder, Penry, Lindsey, Mathis, McMillan, Harper, Marietta, Turner, Blakeney, and Holley:

H. 939. Relating to criminal proceedings in which a child is a victim or witness in certain sexual abuse or exploitation cases; to provide that a child under age 10 is a competent witness and to allow the use of leading questions; to allow certain out-of-court statements into evidence; to allow certain videotaped and closed-circuit television testimony into evidence and cross-examination procedures therefor; to authorize the use of anatomically correct dolls in examination and cross-examination of testimony; and to ensure speedy dispositions of such cases.

Committee on Judiciary.

By Reps. Martin, Drake, Smith, Bugg, Parker, Tanner, Lauderdale, Carter, Onderdonk, Starkey, Moore, Clark (D), Goodwin, Albright, Grayson, Junkins, White (G), Newman, Clark (J), Biddle, Richardson, Blake, Zoghby, Burke, Trammell, Boles, Escott, Gray, Spratt, Ford, Harvey, Bowling, White (L), Cosby, Warren, Grouby, Johnson (Roy), Flowers, Beasley, Carothers, Hammett, Gaston, Venable, Johnson (RG), Laird, Adams, Crow, Browder, Penry, Lindsey, Mathis, Kvalheim, McMillan, Harper, Marietta, Turner, Blakeney, and Holley:

H. 940. Relating to applicants for adoption or foster parents; to require the department of pensions and security to apply for, and for the state department of public safety to furnish, any history of prior felony convictions. The applicant shall be denied adoptive or foster parent status if he or she has a prior history of felony conviction in this or another state, and to revoke such status if he or she is subsequently convicted of a felony; to require strict confidentiality of such reports and to provide for a fine for breach of such confidential information.

Committee on Judiciary.

By Reps. Parker, Martin, Drake, Smith, Bugg, Tanner, Lauderdale, Carter, Onderdonk, Starkey, Moore, Clark (D), Goodwin, Albright, Grayson, Junkins, Newman, Clark (J), Richardson, Blake, Zoghby, Burke, Trammell, Boles, Gray, Spratt, Escott, White (G), Ford, Harvey, Bowling, White (L), Cosby, Johnson (Roy), Warren, Grouby, Carothers, Flowers, Gaston, Beasley, Hammett, Venable, Johnson (RG), Laird, Adams, Crow, Browder, Kvalheim, Penry, Lindsey, Mathis, McMillan, Harper, Marietta, Turner, Blakeney, and Holley:

H. 941. To require certain prospective employers to request from the public safety department records of all convictions, if any, for sex crimes of prospective employees; to exempt employees hired prior to the effective date of this act; to require certain other prospective employees or volunteers, and employees hired prior to the effective date of this act to sign statements which require disclosure of prior sex crime convictions; to define the term "sex crimes"; to provide penalties for submitting false information on such statements; to require the public safety department to furnish such statement forms and the information to be contained thereon; to require the employer

to keep such statements for a period of time and to send copies to the public safety department, which shall keep such copies for a certain period of time; to provide for complete checks for prior sex crime convictions at the request of the employer and on a random sample basis of the department and to require the department to notify local law enforcement agencies and employers of such prior convictions; to provide for confidentiality of all reports, records and statements required by this act; and to provide that this act shall be effective September 1, 1985.

Committee on Judiciary.

By Reps. Martin, Drake, Smith, Bugg, Onderdonk, Parker, Tanner, Lauderdale, Biddle, Carter, Starkey, Moore, Clark (D), Goodwin, Albright, Grayson, Junkins, Newman, Clark (J), Richardson, Blake, Zoghby, Burke, Trammell, Boles, Escott, Gray, Spratt, White (G), Ford, Harvey, Bowling, White (L), Cosby, Johnson (Roy), Warren, Grouby, Carothers, Flowers, Beasley, Hammett, Venable, Johnson (RG), Laird, Adams, Crow, Gaston, Browder, Kvalheim, Penry, Lindsey, Mathis, McMillan, Harper, Marietta, Turner, Blakeney, and Holley:

H. 942. To amend Sections 26-15-2, 26-15-3 and 26-16-2, Code of Alabama 1975, which relate to definitions of child abuse and neglect, and child abuse and neglect protection, so as to redefine the term "child abuse" to include specific designations of physical, mental, sexual and sexually exploitive abuse, and to provide further for the punishment of child abuse and child neglect, and to provide for mandatory jail incarceration under certain circumstances.

Committee on Judiciary.

By Reps. Parker, Martin, Drake, Smith, Bugg, Lauderdale, Tanner, Carter, Onderdonk, Starkey, Moore, Clark (D), Goodwin, Albright, Biddle, Junkins, Newman, Clark (J), Richardson, Blake, Zoghby, Burke, Trammell, Boles, Gray, Spratt, Escott, White (G), Ford, Harvey, Bowling, White (L), Cosby, Johnson (Roy), Warren, Grouby, Flowers, Carothers, Beasley, Kvalheim, Hammett, Venable, Johnson (RG), Laird, Adams, Crow, Browder, Mathis, Gaston, Penry, Lindsey, McMillan, Harper, Marietta, Turner, Blakeney, and Holley:

H. 943. To amend Section 15-3-1, Code of Alabama 1975, which relates to statute of limitations on prosecutions for felonies, so as to provide that prosecutions for child abuse must be commenced within fifteen (15) years after commission of the offense.

Committee on Judiciary.

By Reps. Martin, Drake, Smith, Bugg, Tanner, Parker, Onderdonk, Lauderdale, Biddle, Carter, Starkey, Moore, Clark (D), Goodwin, Albright, Grayson, Junkins, Newman, Clark (J), Richardson, Blake, Zoghby, Escott, Burke, Trammell, Boles, Gray, Spratt, White (G), Ford, Harvey, Bowling, White (L), Cosby, Johnson (Roy), Warren, Grouby, Carothers, Flowers, Beasley, Hammett, Venable, Johnson (RG), Gaston, Laird, Kvalheim, Adams, Crow, Browder, Penry, Lindsey, Mathis, McMillan, Harper, Marietta, Turner, Blakeney, and Holley:

H. 944. Relating to the paroling of offenders convicted of child abuse or exploitation, so as to require the district attorney or prosecutor to inform the board of pardons and paroles of certain facts in regard to a conviction

for sexual abuse or exploitation of a child; to require that the offender submit to a mental evaluation before the offender can be paroled; and to require certain on-going psychiatric, psychological or mental health treatment of the offender after he is released on parole.

Committee on Judiciary.

By Reps. Martin, Drake, Smith, Bugg, Tanner, Parker, Onderdonk, Lauderdale, Biddle, Clark (D), Goodwin, Albright, Moore, Grayson, Junkins, Newman, Clark (J), Richardson, Blake, Zoghby, Spratt, Burke, Trammell, Boles, Gray, Escott, White (G), Ford, Harvey, Bowling, White (L), Cosby, Johnson (Roy), Warren, Grouby, Carothers, Flowers, Gaston, Beasley, Hammett, Venable, Johnson (RG), Laird, Adams, Crow, Browder, Kvalheim, Penry, Lindsey, Mathis, McMillan, Harper, Marietta, Turner, Blakeney, and Holley:

H. 945. Relating to victims of child abuse and neglect; to require the state pensions and security department to develop one or more multi-disciplinary child protection teams in each county to assist and supplement protective services for such children; to provide for their composition and functions and to avoid duplication of certain services.

Committee on Judiciary.

By Reps. Martin, Drake, Smith, Bugg, Tanner, Parker, Onderdonk, Lauderdale, Carter, Starkey, Moore, Clark (D), Goodwin, Biddle, Grayson, Junkins, Newman, Clark (J), Richardson, Blake, Zoghby, Gaston, Burke, Trammell, Boles, Gray, Escott, Spratt, White (G), Ford, Harvey, Bowling, White (L), Cosby, Johnson (Roy), Warren, Grouby, Carothers, Flowers, Beasley, Hammett, Venable, Johnson (RG), Laird, Adams, Crow, Browder, Penry, Lindsey, Mathis, Kvalheim, McMillan, Harper, Marietta, Turner, Blakeney, and Holley:

H. 946. Relating to investigations by law enforcement agencies and social service agencies of this state concerning suspected or actual child abuse or neglect, so as to require agencies to share their information, upon request, with any other agency or agencies when the sharing of such information is necessary to prevent or discover child abuse or neglect.

Committee on Judiciary.

By Reps. Martin, Drake, Smith, Bugg, Tanner, Onderdonk, Parker, Biddle, Lauderdale, Carter, Starkey, Moore, Clark (D), Goodwin, Albright, Grayson, Junkins, Newman, Clark (J), Richardson, Blake, Zoghby, Spratt, Burke, Trammell, Boles, Gray, Escott, White (G), Ford, Harvey, Bowling, White (L), Cosby, Johnson (Roy), Warren, Grouby, Flowers, Beasley, Carothers, Hammett, Kvalheim, Venable, Johnson (RG), Laird, Adams, Crow, Browder, Gaston, Penry, Lindsey, Mathis, McMillan, Harper, Marietta, Turner, Blakeney, and Holley:

H. 947. Relating to victims of sexual abuse or sexual exploitation; to prohibit the publication of the identity of such victims and to provide misdemeanor punishment for violations; to provide that court records of such victims shall not be open to the public; and to allow presiding circuit judges to formulate rules which limit the number of interviews or interrogations which can be conducted upon such victims under 12 years of age.

Committee on Judiciary.

By Rep. Holley:

H. 948. To provide for a supplemental appropriation to the State Health Planning Agency from the State General Fund for the period ending September 30, 1985, in the amount of \$202,000.

Committee on Ways and Means.

By Rep. Lauderdale (With Notice and Proof):

H. 949. Relating to Winston County; authorizing the levy of an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 949, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Buskey (John), Holley, Bryant, Escott, Spratt, McDowell, Grayson, Dutton, Holmes, Thomas, and Buskey (James):

H. 950. To amend Sections 16-60-110, 16-60-111.1, 16-60-111.3, 16-60-111.4, 16-60-111.5, 16-60-111.6, 16-60-111.7, 16-60-111.8 and 16-5-13, Code of Alabama 1975, which provide for the management and control of trade schools, so as to provide for the establishment and appointment of a board of trustees for state junior, community and technical colleges; to provide for the powers and duties of the board in planning, developing, and supervising the institutions within its jurisdiction; to provide for the appointment of a chancellor who will be the executive officer of the board and serve as the chief executive officer of the state two-year postsecondary institutions; and to transfer the state department of postsecondary education to the control of the board of trustees of the state two-year institutions.

Committee on Ways and Means.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 152. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Nursing as provided in Sections 34-21-1 through 34-21-26 and 31-21-40 through 31-21-63 of the Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

H. 153. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Optometry as provided in Sections 34-22-1 through 34-22-43 of the Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

H. 154. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Physical Therapy as provided in Sections 34-24-190 through 34-24-217 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-24-192, 34-24-193, 34-24-194 and 34-24-215, so as to: add two additional members to the board; provide further for qualifications of board members; provide further for travel expenses of the board; change the term "therapy" to "therapist" for consistency with remainder of Chapter 24; provide subpoena powers to compel witnesses attendance and evidence for board meetings; and provide further for special research and educational programs.

Also:

H. 156. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Pharmacy as provided in Sections 34-23-1 through 34-23-94 of the Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

H. 158. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Veterinary Medical Examiners as provided in Sections 34-29-1 through 34-29-46 of the Code of Alabama 1975, with certain modifications; to amend Section 34-29-44, Code of Alabama 1975, so as to delete the United States citizen requirement of foreign applicants.

Also:

H. 159. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Hearing Aid Dealers as provided in Sections 34-14-1 through 34-14-33 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-14-3, 34-14-6, and 34-14-7, Code of Alabama 1975, so as to increase the various fees charged by the board.

Also:

H. 164. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Medical Examiners and the Medical Licensure Commission as provided in Sections 34-24-50 through 34-24-53, 34-24-55 through 34-24-59, 34-24-70 through 34-24-78 and 34-24-310 through 34-24-367 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-24-53 and 34-24-54 so as to: authorize the Board to create a special fund to defray costs of litigation involving the board and the commission and their members and staff; to provide further for the deposit and disposition of funds of the board; and to provide further for the compensation of members of the board and the commission.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed

the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. 155. To amend Section 2-3A-2 of the Code of Alabama 1975 relating to the types of agricultural facilities permitted to be financed by the Alabama Agricultural Development Authority so as to permit the Authority to finance facilities for the treating, processing or storing of agricultural commodities without regard to whether such activities are customarily engaged in by farmers as a part of farming.

Also:

S. 409. Relating to Calhoun County; to provide for the mailing address of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

Also:

S. 422. Relating to Madison County; authorizing the license commissioner to issue boat licenses by mail and to allow an additional issuance fee to cover the expense of mailing such licenses.

Also:

S. 410. Relating to the City of Oxford in Calhoun County; amending further Act No. 963, S. 1177, 1975 Regular Session (Acts 1975, p. 1996), which provides for a civil service system for the city, so as to provide further for compensation of the board members and the chairman of the board; and to provide for an applicant's examination fee.

Also:

S. 428. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Hobson City in Calhoun County.

Also:

S. 407. Relating to Calhoun County; to authorize and make provision for the incorporation in the City of Oxford of the Oxford Downtown Development Authority for the purpose of promoting trade and commerce by inducing commercial enterprises to upgrade, improve, modernize, and expand existing facilities and to locate new facilities in the central business district of Oxford; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of such Authority, its board of directors, and its officers; to authorize such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith whether or not now existing, suitable for use by any commercial enterprise, provided that such property shall be located wholly within the Downtown Development Area established by ordinance of the city council; to authorize any such Authority to lease

such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to authorize the Authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state or local governments or allow them to use facilities or services of the Authority; to make loans to persons or entities for the costs of a project on such security and with such terms and conditions as the Authority deems appropriate; to provide for the employment by any such Authority of such officers, employees, contractors, consultants and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to require payments in lieu of taxes to be made to the Authority or the City; to receive the proceeds of municipal taxes levied for the Authority's purposes; to promote revitalization of the Downtown Development Area and make plans and proposals therefor; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state except for state ad valorem taxes; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, except for state sales and use taxes, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; to give the Authority the power of eminent domain; and to authorize political

subdivision, agencies, instrumentalities and public corporations of the state to aid the Authority with loans or grants of money, the furnishing of services or the transfer of property to the Authority without any public election; and to require the treasurer to obtain a fidelity bond equal to the amount of any public funds held by the Authority.

Also:

S. 408. Relating to Calhoun County; to authorize and make provision for the incorporation in the City of Anniston of the Anniston Downtown Development Authority for the purpose of promoting trade and commerce by inducing commercial enterprises to upgrade, improve, modernize, and expand existing facilities and to locate new facilities in the central business district of Anniston; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of such Authority, its board of directors, and its officers; to authorize such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith whether or not now existing, suitable for use by any commercial enterprise, provided that such property shall be located wholly within the Downtown Development Area established by ordinance of the city council; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to authorize the Authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state or local governments or allow them to use facilities or services of the Authority; to make loans to persons or entities for the costs of a project on such security and with such terms and conditions as the Authority deems appropriate; to provide for the employment by any such Authority of such officers, employees, contractors, consultants and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to require payments in lieu of taxes to be made to the Authority or the City; to receive the proceeds of municipal taxes levied for the Authority's purposes; to promote revitalization of the Downtown Development Area and make plans and proposals therefor; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such Au-

thority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state except for state ad valorem taxes; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, except for state sales and use taxes, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; to give the Authority the power of eminent domain; and to authorize political subdivisions, agencies, instrumentalities and public corporations of the state to aid the Authority with loans or grants of money, the furnishing of services or the transfer of property to the Authority without any public election; and to require the treasurer to obtain a fidelity bond equal to the amount of any public funds held by the Authority.

Also:

S. J. R. 105. COMMENDING MEADOWVIEW CHRISTIAN SCHOOL, SELMA, ALABAMA, STATE APSA 3-A FOOTBALL CHAMPIONS.

Also:

S. J. R. 110. MOURNING THE DEATH OF JAMES FRANK WIDEMAN OF LEE COUNTY, ALABAMA.

Also:

S. J. R. 111. COMMENDING STEVE SCHARFENBERG, 1984 OUTSTANDING MAN OF THE YEAR.

Also:

S. J. R. 112. COMMENDING SARA LEE DUNBAR, 1984 OUTSTANDING WOMAN OF THE YEAR.

Also:

S. J. R. 126. COMMENDING COACH NED HARBUCK UPON RETIREMENT AS BASKETBALL COACH AT JACKSON HIGH SCHOOL.

Also:

S. J. R. 127. LEGISLATIVE PARKING COMMITTEE MEETING DAYS.

Also:

S. J. R. 132. COMMENDING ALABAMA'S PROFESSIONAL NURSES AND URGING THE OBSERVANCE OF APRIL 6, 1985, AS NATIONAL NURSES DAY.

Also:

S. J. R. 142. COMMENDING AND CONGRATULATING WILCOX COUNTY HIGH SCHOOL, STATE 4A BASKETBALL CHAMPIONS.

Also:

S. J. R. 143. COMMENDING SOUTHSIDE HIGH SCHOOL, SELMA, ALABAMA, AS STATE 5A BASKETBALL CHAMPIONS.

Also:

S. J. R. 144. COMMENDING AND CONGRATULATING ROBERT C. HATCH HIGH SCHOOL ON THE STATE 3A BASKETBALL CHAMPIONSHIP, 1984-85.

Also:

S. J. R. 145. COMMENDING MARVIN DUKE OF WILCOX COUNTY HIGH SCHOOL.

Also:

S. J. R. 147. Commending Coach Gene Bartow, Athletic Director and Head Basketball Coach of the University of Alabama at Birmingham.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Coburn, Budget Isolation Resolution, H. B. 788, was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (John), Carothers, Clark (D), Clark (W), Coburn, Coleman, Davis, Dutton, Faulk, Ford, Fuller, Goodwin, Gray, Hammett, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale,

Lindsey, Martin, Mathis, Mitchell, Moore, Onderdonk, Parker, Perdue, Poole, Preuitt, Rice, Richardson, Rogers, Starkey, Tanner, Thomas, Trammell, Turner, Venable, White (G), White (L) and Zoghyb.

—63

And the bill:

H. 788. (With Substitute) (With Amendments): To provide a pay increase for certain personnel in public education for the Fiscal Year ending September 30, 1986.

Was taken up.

SUBSTITUTE OFFERED

Rep. Coburn offered the following substitute to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 788:

A BILL TO BE ENTITLED AN ACT

To implement Phase I of the Alabama Performance-Based Career Incentive Program Act, contingent upon that Act becoming a law and as it pertains to that Act, as recommended by the Governor's Educational Reform Commission for the incentive-based pay plan, and to provide for an additional annual pay supplement for educational support personnel, and to provide a pay increase for employees in Adult Basic Education, and to provide at least a 5 percent pay increase for all full-time Junior and Technical College personnel, to provide other equity raises for Junior and Technical College personnel, and to restructure the salary schedules for Junior and Technical Colleges so as to create additional pay steps; all the preceding provisions shall become effective during the state fiscal year beginning October 1, 1985.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative Intent: It is the intent of the Legislature to provide a 5 percent increase in the state allocation for the fiscal year 1985-86 to all professional educators; to provide an additional 10 percent increase in the state allocation for the fiscal year 1985-86 to all teachers who have at any time achieved tenure in any public school system or who have five years of teaching experience in any public school system; to provide an annual salary supplement in the amount of one thousand dollars (\$1,000) for all full-time educational support personnel who work a minimum of 20 hours per week and all adult school bus drivers for grades K-12; and to provide an annual salary supplement in the amount of four hundred fifty dollars (\$450) for student school bus drivers. By this Act, the Legislature directs that the aforementioned increases are for the fiscal year 1985-86 and are to be paid from the funds from which the institution or school system receives its appropriations for the state fiscal year beginning October 1, 1985. It is not the intent of this Act to appropriate additional monies for this purpose.

Section 2. The state budget officer shall allocate to the State Board of Education and the Board of Trustees of the Alabama Institute for Deaf and Blind and the Board of Youth Services Department District for disbursement

the funds necessary to implement Phase I of the Alabama Performance-Based Career Incentive Program Act based on the following criteria:

(a) Five percent of the state salary allocation payable during the fiscal year 1984-85 to teacher units funded by the Alabama Special Educational Trust Fund for all public school programs. The 5 percent increase on the state allotment shall be paid to each state-funded teacher.

(b) Five percent of the salaries paid during the fiscal year 1984-85 to teachers employed at the Alabama Institute for Deaf and Blind.

(c) An additional 10 percent of the state salary allocation payable during the 1984-85 fiscal year to all state-funded teachers (including vocational education and special education) who have ever achieved tenure or who have five years of teaching experience in any public school system. The additional 10 percent increase on the state allotment shall be paid to each teacher.

(d) An additional 10 percent of the total salaries paid during the fiscal year 1984-85 to each teacher ever tenured in any public school system or who has five years of teaching experience and is now employed at the Alabama Institute for Deaf and Blind.

(e) An amount of \$1,000 to all full-time support employees working a minimum of 20 hours per week for all local boards of education and the Boards of Trustees of the Alabama Institute for Deaf and Blind and the Youth Services Department District and all full-time employees in the schools under their jurisdiction. Those employees working less than a minimum of 20 hours per week shall receive pro rata salary increases based on the percentage of full-time work as defined herein above.

(f) An amount of \$1,000 to all adult bus drivers and an amount of \$450 to all student bus drivers employed by the local boards of education and the Board of Trustees of the Alabama Institute for Deaf and Blind and the Youth Services Department School District.

(g) It is the intent of the Legislature that all public school teachers employed who have taught less than five years or who have not attained tenure shall receive a 5 percent salary increase. Furthermore, it is the intent of the Legislature that an additional 10 percent salary increase shall be granted to all public school teachers who have ever gained tenure or who have taught for at least five years. The salary increases in this subsection shall be over and above the state allotments for 1984-85.

(h) It is the intent of the Legislature that a 15 percent pay increase for fiscal year 1985-86 shall be granted to all full-time employees in Adult Basic Education over the salary allotted in fiscal year 1984-85.

Section 3. The previously stated increases are for employees with one hundred eighty day contracts. Additional pro rata salary increments shall be granted for employees whose contracts extend beyond one hundred eighty days.

Section 4. The state budget officer shall allocate to the State Board of Education for disbursement to Junior and Technical Colleges the funds necessary to grant pay increases based on the following:

(a) All full-time employees of the junior and technical colleges shall receive at least a 5 percent salary increase as a result of expansion and revision of the Salary Schedules and new step placement for the fiscal year 1985-86.

(b) On junior and technical college Salary Schedule D, the summer quarter pay shall be equalized with the other three quarters.

(c) Step 10 of the fiscal year 1984-85 Salary Schedule for junior and technical college personnel, A, B, C, D, and E, shall become Step 8. A new Salary Schedule Step 10 and Step 15 shall be added to all junior and technical Salary Schedules A, B, C, D and E. Placement on the revised Salary Schedules shall be in accordance with the length of service. On Salary Schedules A, B, C, D, and E, the annual increment between Steps 10 and 15 shall be at least equal to twice the amount of all other increments on the respective schedules. On Salary Schedule D, the increment between Steps 10 and 15 for Rank IV shall be three times the amount of the other increments. The Rank III increment between Steps 10 and 15 shall be at least 2.6 times the amount of the other increments.

(d) Using the procedure developed by the Postsecondary Education Department, junior and technical college personnel on Salary Schedules A, B, C, and D shall be granted credit on the Salary Schedule for prior teaching experiences at the K-12 level.

Section 5. The "Other Current Expense" in the Alabama Special Educational Trust Fund budget shall be understood to include the \$1,000 per lunchroom worker previously allocated for lunchroom worker salaries. All lunchrooms shall be fully funded by local school boards from these and any other local and/or state funds available and not just exclusively from funds generated by lunchroom sales.

Section 6. The salary increases contained throughout this Act shall be exclusive of all local increments due.

Section 7. No support personnel employed by a public school system nor any professional or support personnel employed by a postsecondary junior or technical college shall be dismissed or have his/her work hours reduced due to the provisions of this Act.

Section 8. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 10. This Act shall become effective on October 1, 1985.

And the substitute was adopted.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue,

Poole, Preuitt, Reed, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—86

AMENDMENT OFFERED

Rep. Turnham offered the following amendment to the bill, H. 788 as amended:

Amend H. 788 by deleting Section 7 in its entirety and by renumbering all subsequent sections.

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Turnham to the bill, H. 788 as amended, was tabled.

Yeas 67; Nays 26.

Yeas:

Mr. Speaker, Albright, Beasley, Biddle, Black, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Davis, Dutton, Escott, Faulk, Ford, Goodwin, Harvey, Holley, Holmes, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Warren and White (F).

—67

Nays:

Reps. Adams, Bachus, Box, Brooks, Burke, Cosby, Crow, Fuller, Gray, Grouby, Hall, Hammett, Hettinger, Hooper, Lindsey, McKee, McMillan, Mikell, Penry, Rice, Starr, Turnham, Venable, White (G), White (L), and Zoghby.

—26

AMENDMENT OFFERED

Rep. Hettinger offered the following amendment to the bill, H. 788 as amended:

Amend Substitute to H. 788 on Page 6, Section 6, line 13 by adding a new sentence at the end of Section 6 as follows:

Other provisions of this Act notwithstanding, no employing board of education or other institution shall be required to finance from local revenue any salary increases for personnel. In the event the total state allocations for salaries are not sufficient to meet the requirements of this Act, the local board of education or other institution shall distribute the total state allocation for salaries among the employees on their payroll, reducing the individual employee increases by a prorata amount. It is the intent of the Legislature that all funds allocated to a local school board or other institution

for salaries shall be used for salaries and that no employee shall receive a salary increase less than the prorata amount to which he is entitled.

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Hettinger to the bill, H. 788 as amended, was tabled.

Yeas 70; Nays 16.

Yeas:

Mr. Speaker, Albright, Beasley, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Goodwin, Grayson, Hall, Harvey, Holley, Holmes, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, Martin, Mathis, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Rogers, Smith, Spratt, Starkey, Thomas, Trammell, Turner, Warren, White (F), White (L) and Zoghby.

—70

Nays:

Reps. Bachus, Butler, Gray, Grouby, Hammett, Hettinger, Hooper, McKee, McMillan, Mikell, Mitchell, Penry, Rice, Starr, Turnham and Venable.

—16

AMENDMENT OFFERED

Rep. Cosby offered the following amendment to the bill, H. 788 as amended:

Amend House Bill No. 788 as substituted on Page 4 Line 8, by striking out Section 3 and inserting a new Section 3.

Section 3. The previously stated increases are for nine months employment. Additional pro rata salary increments shall be granted for employees whose contracts extend beyond nine months.

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Cosby to the bill, H. 788 as amended, was tabled.

Yeas 69; Nays 17.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Goodwin, Gray, Grayson, Grouby, Hall, Harvey, Holley, Holmes, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Rains, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Trammell, Turner, Warren, White (F) and White (L).

—69

Nays:

Reps. Bachus, Box, Butler, Cosby, Hammett, Hettinger, Hooper, McKee, McMillan, Mikell, Penry, Starr, Thomas, Turnham, Venable, White (G) and Zoghby.

—17

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 187. To prohibit the use of red clay or similar type soils on the beaches of Dauphin Island in Mobile County and to prescribe certain penalties.

Also:

H. 233. To alter and rearrange the boundaries of the City of Fultondale, Alabama, to include within the corporate limits of such city certain described territory, and only the territory within the rearranged boundary described.

Also:

H. 235. To alter and rearrange the boundaries of the City of Birmingham to include within the corporate limits thereof, all territory now within such corporate limits thereof and also certain additional territory described by metes and bounds.

Also:

H. 439. To amend section 2 of Act No. 181, H. 117, Regular Session 1957, (Acts 1957, p. 233), relating to Mobile County governing body, so as to require that each candidate for county commissioner must have resided within the district for which he qualifies a certain minimum period, and each county commissioner must reside within the respective district he represents during the term of office or forfeit the job.

McDOWELL LEE,
Secretary.

H. 788 RESUMED
AMENDMENT OFFERED

Rep. Venable offered the following amendment to the bill, H. 788 as amended:

Amend Substitute to the Substitute to House Bill 788, page 1 in the Synopsis, beginning on line 9, by deleting lines 9 through 13 in their entirety and by deleting on line 14, ~~based pay plan~~, and substituting in lieu thereof the following:

To provide a pay increase for both tenured and non-tenured professional public school educators,

And on page 1 in the Title, beginning on line 30 by deleting lines 30 through 33 in their entirety and by deleting ~~incentive-based pay plan~~, on line 34 and substituting in lieu thereof the following:

To provide a pay increase for both tenured and non-tenured professional public school educators,

And on page 3, in Section 2, beginning on line 10 by deleting lines 10 through 12 in their entirety and substituting in lieu thereof the following:

based on the following criteria:

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 93; Nays 1.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—93

Nay: Rep. Hettinger.

—1

AMENDMENT OFFERED

Rep. Bachus offered the following amendment to the bill, H. 788 as amended:

Amend the Substitute for H. 788, Section 2(c), page 3, line 8, after the word "additional" by deleting the figure "10" and inserting in lieu thereof the following figure:

7

Also, in Section 2(c), page 3, line 13, after the word "additional", amend by deleting the figure "10" and inserting in lieu thereof the following figure:

7

Also, in Section 2(d), page 3, line 15, after the word "additional", amend by deleting the figure "10" and inserting in lieu thereof the following figure:

7

Also, in Section 2(g), page 3, line 38, after the word "additional", amend by deleting the figure "10" and inserting in lieu thereof the following figure:

7

Also, in the amendment to H. 788, on page 5, Section 6, line 13, after the word "due" delete the sentence: "This act shall also include a 15% pay increase for full time Adult Basic Education employees." and insert in lieu thereof the following sentence:

This act shall also include a 12% pay increase for full time Adult Basic Education employees.

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Bachus to the bill, H. 788 as amended, was tabled.

Yeas 83; Nays 7.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Goodwin, Grayson, Grouby, Hall, Hammett, Harvey, Holley, Holmes, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillan, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Reed, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—83

Nays:

Reps. Bachus, Cosby, Hooper, McKee, Mikell, Starr and White (G).

—7

MOTION TO RECOMMIT TABLED

On motion of Rep. Coburn, the motion offered by Rep. Gray to recommit the bill, H. 788, to the Standing Committee on Ways and Means, was tabled.

Yeas 75; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Goodwin, Grayson, Grouby, Hammett, Harvey, Hettinger, Holley, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McMillan, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Richardson, Rogers, Smith, Starkey, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—75

Nay: Rep. Gray.

—1

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 187. To prohibit the use of red clay or similar type soils on the beaches of Dauphin Island in Mobile County and to prescribe certain penalties.

Also:

H. 233. To alter and rearrange the boundaries of the City of Fultondale, Alabama, to include within the corporate limits of such city certain described territory, and only the territory within the rearranged boundary described.

Also:

H. 235. To alter and rearrange the boundaries of the City of Birmingham to include within the corporate limits thereof, all territory now within such corporate limits thereof and also certain additional territory described by metes and bounds.

Also:

H. 439. To amend section 2 of Act No. 181, H. 117, Regular Session 1957, (Acts 1957, p. 233), relating to Mobile County governing body, so as to require that each candidate for county commissioner must have resided within the district for which he qualifies a certain minimum period, and each county commissioner must reside within the respective district he represents during the term of office or forfeit the job.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 788 RESUMED

AMENDMENT OFFERED

Rep. Penry offered the following amendment to the bill, H. 788 as amended:

Amend the Substitute to HB 788 on page 5, following Section 7 on lines 14 and 15 by adding a new section to read as follows:

Section 8. In the event of proration, all salary increases would be prorated at the same rate as the rest of the budget, and renumbering the present Sections 8, 9, and 10 as Section 9 Section 10 and Section 11.

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Penry to the bill, H. 788 as amended, was tabled.

Yeas 72; Nays 13.

Yeas:

Mr. Speaker, Beasley, Biddle, Blake, Blakeney, Boles, Bowling, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Escott, Faulk, Flowers, Ford, Goodwin, Grayson, Grouby, Hall, Hammett, Harvey, Holley, Holmes, Johnson (RG), Johnson (Roy), Junkins, Laird, Lauderdale, McDowell, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F) and Zoghby.

—72

Nays:

Reps. Adams, Bachus, Cosby, Gray, Hettinger, Kvalheim, McKee, McMillan, Mikell, Penry, Rains, Starr and White (G).

—13

AMENDMENT OFFERED

Rep. Hooper offered the following amendment to the bill, H. 788 as amended:

Amend the substitute to H. B. 788 in Section 1 on page 2 line 21 and 22 by deleting the words “or who have five years of teaching experience in any public school system.”

Further amend the substitute to H. B. 788 on page 3 on lines 24 and 25 and 26 by deleting the words “or who have five years of teaching experience in any public school system.”

Further amend the substitute H. B. 788 on page 3 on lines 30 and 31 by deleting the words “or who has five years of teaching experience.”

Further amend the substitute to H. B. 788 on page 4 on lines 18 and 19 by deleting the words “who have taught less than 5 years or”

Further amend the substitute to H. B. 788 on page 4 on line 23 by deleting the words “or who have taught for at least five years.”

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Hooper to the bill, H. 788 as amended, was tabled.

Yeas 77; Nays 5.

Yeas:

Mr. Speaker, Albright, Bachus, Beasley, Biddle, Blake, Blakeney, Boles, Bowling, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (W), Coburn,

Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harvey, Holley, Holmes, Johnson (RG), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Parker, Perdue, Poole, Pratt, Preuitt, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—77

Nays: Reps. Hooper, Onderdonk, Starr, Turnham and White (G). —5

And the bill:

H. 788. To implement Phase I of the Alabama Performance-Based Career Incentive Program Act, contingent upon that Act becoming a law and as it pertains to that Act, as recommended by the Governor's Educational Reform Commission for the incentive-based pay plan, and to provide for an additional annual pay supplement for educational support personnel, and to provide a pay increase for employees in Adult Basic Education, and to provide at least a 5 percent pay increase for all full-time Junior and Technical College personnel, to provide other equity raises for Junior and Technical College personnel, and to restructure the salary schedules for Junior and Technical Colleges so as to create additional pay steps; all the preceding provisions shall become effective during the state fiscal year beginning October 1, 1985.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 85; Nays 7.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harvey, Holley, Holmes, Johnson (RG), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Reed, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—85

Nays:

Reps. Bachus, Hettinger, McKee, McMillan, Mikell, Rains and White (G).

—7

BUDGET ISOLATION RESOLUTION

On motion of Rep. Clark (J), Budget Isolation Resolution, H. B. 344, was adopted.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Blake, Blakeney, Boles, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Melton, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—85

And the bill:

H. 344. To amend certain sections of Chapter 9, Article 11, of Title 41 of the Code of Alabama 1975 to provide that the executive committee of the commission may not be empowered to execute any contract for an amount in excess of \$100,000.00; to provide that the commission offer to its employees any benefits offered to employees of the state of Alabama; to provide that the commission shall establish, operate and maintain a state memorial park to honor Alabamians who participated in all armed conflicts of the United States; and to provide that the \$50,000.00 outstanding indebtedness to the Alabama State Docks Department be forgiven.

Was taken up.

AMENDMENT OFFERED

Rep. Penry offered the following amendment to the bill, H. 344:

Amend HB 344 on page 2, Section 1, following line 13 by inserting the following language:

The commission shall notify the governor when any member misses three consecutive meetings and the commission shall recommend that said member shall be removed by the governor for cause.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 76; Nays 0.

Yeas:

Reps. Adams, Albright, Bachus, Beasley, Blake, Blakeney, Boles, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Faulk, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Moore, Newman, Nicholson, Onderdonk, Parker,

Penry, Perdue, Poole, Preuitt, Rains, Richardson, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—76

And the bill, H. 344, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Reps. Albright, Bachus, Beasley, Biddle, Blake, Blakeney, Boles, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, Melton, Mikell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—84

CO-SPONSOR ADDED

Rep. Kvalheim was added as co-sponsor to the bill, H. 344.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Biddle, Budget Isolation Resolution, H. B. 722, was adopted.

Yeas 81; Nays 1.

Yeas:

Reps. Albright, Beasley, Biddle, Blake, Blakeney, Boles, Bowling, Box, Britnell, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Davis, Dutton, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Grouby, Hall, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—81

Nay: Rep. Brooks.

—1

And the bill:

H. 722. (With Substitute): To amend § 22-21-263(a) (3) of the Code of Alabama of 1975 to impose a three (3) year moratorium on the issuance of a certificate of need for the licensing of any new health care facility beds

and provide for an exception when an emergency is found to exist which endangers the health and safety of the public.

Was taken up.

SUBSTITUTE OFFERED

Rep. Biddle offered the following substitute to the substitute reported by the Standing Committee on Health to the bill, H. 722:

A BILL
TO BE ENTITLED
AN ACT

To amend § 22-21-263 (a) (3) of the Code of Alabama of 1975 to impose a two (2) year moratorium on the issuance of a certificate of need for the licensing of any new health care facility beds and provide for an exception when an emergency is found to exist which endangers the health and safety of the public.

Be It Enacted by the Legislature of the State of Alabama:

Section 1. §22-21-263(a) of the Code of Alabama of 1975 is hereby amended to read as follows:

§ 22-21-263(a)

(3) A change in the existing bed capacity of a health care facility or health maintenance organization through the addition, or conversion of one or more beds, or the relocation of one or more beds from one physical facility to another. Provided however that there shall not be any certificate of need issued for a period of two (2) years from the effective date of this amendment that would authorize any health care facility to place any new beds into service or convert any beds on an interchangeable, limited or continual basis by any means whatsoever; except upon a finding by the SHPDA that a need for new beds is made necessary by unforeseen events which endanger the health and safety of the public provided that if any bed is converted that bed must meet all the guidelines and licensure requirements of the bureau of licensure and certification of the state department of public health.

Section 2. The provisions of this act are severable. If any part of this act is declared unconstitutional such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage by the legislature and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 74; Nays 0.

Yeas:

Reps. Adams, Albright, Biddle, Blake, Blakeney, Boles, Bowling, Box, Britnell, Brooks, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Faulk,

Ford, Fuller, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, Marietta, Martin, Mathis, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Rains, Reed, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—74

And the bill:

H. 722. To amend § 22-21-263 (a) (3) of the Code of Alabama of 1975 to impose a two (2) year moratorium on the issuance of a certificate of need for the licensing of any new health care facility beds and provide for an exception when an emergency is found to exist which endangers the health and safety of the public.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 78; Nays 2.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—78

Nays: Reps. Brooks and Hettinger.

—2

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Kennedy, Box, Zoghby, Clark (W), Turner, Kvalheim, Harper, Marietta, Buskey (James), Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turnham, Venable, Warren, White (F), White (G) and White (L):

H. R. 256. MOURNING THE DEATH OF MAURICE A. DOWNING OF MOBILE, ALABAMA.

Also:

The following resolution was introduced:

By Reps. Kennedy, Box, Zoghby, Clark (W), Gaston, Turner, Kvalheim, Harper, Marietta, Buskey (James), Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turnham, Venable, Warren, White (F), White (G) and White (L):

H. J. R. 257. MOURNING THE DEATH OF MAURICE A. DOWNING OF MOBILE, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of Maurice A. "Casey" Downing of Mobile, Alabama, on April 9, 1985, at the age of 69 years; and

WHEREAS, a native of Mobile, Mr. Downing attended Catholic Boys Home and McGill Institute and was a graduate of the University of Alabama School of Law; and

WHEREAS, he was a veteran of the United States Army with service during World War II, and had previously served, prior to military enlistment, as a Mobile policeman and with the U.S. Border Patrol; and

WHEREAS, Casey Downing was a prominent Mobile area attorney and was a former longtime member of the Alabama Legislature, serving in the House of Representatives from 1962 to 1974; and

WHEREAS, during his productive tenure in the Legislature, Representative Downing was instrumentally responsible for the passage of legislation establishing greyhound racing in Mobile County and, in his honor, the mechanical rabbit at Mobile Greyhound Park is named "Casey"; and

WHEREAS, Representative Downing further was a principal supporter in the Legislature of the University of South Alabama and its College of Medicine; and

WHEREAS, in responsible civic concern, Mr. Downing was involved in numerous of his community's affairs and was a member of the Knights of Columbus, the Friendly Sons of Saint Patrick, the American Bar Association and a mystic society, among others; and

WHEREAS, in the death of Casey Downing, the City and County of Mobile and the State of Alabama have indeed lost a great benefactor whose wisdom and life's labors will be sorely missed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Maurice A. "Casey" Downing of Mobile, Alabama, and extend deepest sympathy to his beloved wife, Mrs. Helen R. Downing; his daughters, Helen

Patricia Yemm, Cecilia D. Luker and Mary Margaret Downing; to his sons, Maurice A., Jr., and John A. Downing; and to other family members whose deep sorrow also is ours, and for whom copies of this resolution shall be provided.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 257, was adopted.

SPECIAL ORDER RESUMED BUDGET ISOLATION RESOLUTION

On motion of Rep. Thomas, Budget Isolation Resolution, H. B. 468, was adopted.

Yeas 49; Nays 26.

Yeas:

Reps. Adams, Albright, Bachus, Beasley, Blake, Blakeney, Box, Bryant, Bugg, Buskey (James), Buskey (John), Clark (J), Clark (W), Cosby, Davis, Dutton, Escott, Faulk, Fuller, Gaston, Grayson, Grouby, Harper, Holley, Holmes, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, Melton, Newman, Onderdonk, Perdue, Poole, Pratt, Preuitt, Reed, Richardson, Rogers, Spratt, Thomas, Turner, Warren, White (G) and Zoghby.

—49

Nays:

Reps. Brakefield, Brooks, Butler, Carothers, Carter, Clark (D), Ford, Goodwin, Hammett, Hooper, McKee, Mathis, Mikell, Mitchell, Moore, Nicholson, Rains, Rice, Smith, Starkey, Starr, Tanner, Trammell, Turnham, Venable and White (L).

—26

And the bill:

H. 468. Relating to voter registration; to require that a deputy registrar, which may be the probate judge or chief probate clerk, be available at the courthouse during all official hours in certain counties; and to require that the Board of Registrars be open ten days prior the registration deadline before each election.

Was taken up.

AMENDMENT OFFERED

Rep. Venable offered the following amendment to the bill, H. 468:

Amend House Bill 468, page 1, immediately following line 34, by inserting a new Section 3 and by renumbering remaining section accordingly. New Section 3 to read as follows:

Section 3. No deputy registrar appointed under this or any other act shall be allowed to accept any compensation based on the number of voters registered.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—90

AMENDMENT OFFERED

Rep. Johnson (Roy) offered the following amendment to the bill, H. 468 as amended:

Amend House Bill 468, page 1, lines 22 through 29 by striking Section 1 in its entirety and substituting in lieu thereof the following new Section 1.

Section 1. Any Board of Registrars which does not have at least one of its members in attendance at the courthouse each day during which the courthouse is open for business shall appoint a deputy registrar, who may be any qualified elector of the county except an elected official. Such deputy shall receive voter registration applications and administer oaths during regular courthouse working hours.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—90

AMENDMENT OFFERED

Rep. Carothers offered the following amendment to the bill, H. 468 as amended:

Amend H. B. 468 on page 1, Section 1, line 24 by (striking after the word business the word shall and insert the following: word "May")

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment offered by Rep. Carothers to the bill, H. 468 as amended, was tabled.

Yeas 64; Nays 19.

Yeas:

Mr. Speaker, Adams, Albright, Black, Blake, Blakeney, Box, Brakefield, Britnell, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Clark (D), Clark (W), Cosby, Crow, Davis, Dutton, Escott, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, Marietta, Martin, Mathis, Melton, Newman, Nicholson, Onderdonk, Perdue, Poole, Pratt, Preuitt, Reed, Richardson, Rogers, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F) and Zoghby.

—64

Nays:

Reps. Beasley, Brooks, Butler, Carothers, Carter, Faulk, Flowers, Hooper, McKee, McMillan, Mikell, Parker, Penry, Rains, Rice, Smith, Starr, Turnham and White (L).

—19

AMENDMENT OFFERED

Rep. Hammett offered the following amendment to the bill, H. 468 as amended:

Amend H. B. 468, Section 1, Page 1, line(s) 23 by adding after the word courthouse the following: Or in an office provided by The County Commission at some location other than the courthouse.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 77; Nays 2.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Boles, Box, Brakefield, Brooks, Bryant, Burke, Buskey (James), Buskey (John), Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, Marietta, Martin, Mathis, Melton, Mikell, Moore, Newman, Nicholson, Onderdonk, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—77

Nays: Reps. Albright and Bugg.

—2

And the bill, H. 468, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

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Yeas 75; Nays 7.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McDowell, Martin, Mathis, Melton, Newman, Nicholson, Onderdonk, Perdue, Poole, Pratt, Preuitt, Reed, Richardson, Rogers, Spratt, Starkey, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—75

Nays:

Reps. Hammett, Hooper, McKee, Mikell, Parker, Rice and Starr.

—7

BUDGET ISOLATION RESOLUTION

On motion of Rep. Holley, Budget Isolation Resolution, S. B. 215, was adopted.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—82

And the bill:

S. 215. To further provide for payroll deductions for state employees.

Was taken up.

AMENDMENT OFFERED

Rep. Holley offered the following amendment to the bill, S. 215:

Amend S. B. 215, page 1, Section 1, line 16 by striking after the word “of” the word participating

Further amend on line 18 after the words “group of” by adding the word participating

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, McKee, McMillan, Marietta, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—83

REPORT OF THE STANDING COMMITTEE ON
RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 722. To amend § 22-21-263 (a) (3) of the Code of Alabama of 1975 to impose a two (2) year moratorium on the issuance of a certificate of need for the licensing of any new health care facility beds and provide for an exception when an emergency is found to exist which endangers the health and safety of the public.

JIMMY CLARK,
Chairman.

And the bill, H. 722 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE ON
RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 788. To provide a pay increase for both tenured and non-tenured professional public school educators, and to provide for an additional annual pay supplement for educational support personnel, and to provide a pay increase for employees in Adult Basic Education, and to provide at least a 5 percent pay increase for all full-time Junior and Technical College personnel, to provide other equity raises for Junior and Technical College personnel, and to restructure the salary schedules for Junior and Technical Colleges so as to create additional pay steps; all the preceding provisions shall become effective during the state fiscal year beginning October 1, 1985.

JIMMY CLARK,
Chairman.

And the bill, H. 788 as engrossed, was ordered sent to the Senate.

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S. 215 RESUMED

And the bill, S. 215 as amended, was read a third time at length and passed.

Yeas 86; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McKee, McMillan, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Preuit, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—86

Nay: Rep. Rains.

—1

BUDGET ISOLATION RESOLUTION

On motion of Rep. Laird, Budget Isolation Resolution, H. B. 457, was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Carothers, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Grouby, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McMillan, Mathis, Mitchell, Moore, Newman, Nicholson, Onderdonk, Pratt, Preuit, Rains, Reed, Rice, Richardson, Smith, Starkey, Starr, Tanner, Turner, Turnham, Warren, White (F), White (G), White (L) and Zoghby.

—67

And the bill:

H. 457. (With Substitute): To require the endorsement of approval of subdivision plats or maps utilizing onsite sewage disposal systems prior to the recording; to provide for the regulation of facilities for the disposal of human wastes before occupancy; to require the testing, bonding and licensing of onsite sewage disposal system installers, repairers, cleaners or maintainers and to require examination and fees; to require permit expiration; to require the state board of health to establish qualifications of persons to evaluate sites for subsurface sewage disposal systems, require the payment of testing and licensing to the state board of health; and regulations for the administration of this Act:

Was taken up.

SUBSTITUTE OFFERED

Rep. Laird offered the following substitute to the substitute reported by the Standing Committee on Local Government to the bill, H. 457:

A BILL
TO BE ENTITLED
AN ACT

To require the endorsement of approval of subdivision plats or maps utilizing onsite sewage disposal systems prior to the recording; to provide for the regulation of facilities for the disposal of human wastes before occupancy; to require the testing, bonding and licensing of onsite sewage disposal system installers, repairers, cleaners or maintainers and to require examination and fees: to require permit expiration; to require the state board of health to establish qualifications of persons to evaluate sites for subsurface sewage disposal systems, require the payment of testing and licensing to the state board of health; and regulations for the administration of this Act:

Be It Enacted by the Legislature of Alabama:

Section 1. Endorsement of Plat Prior to Recordation—No map or plat of any subdivision utilizing onsite sewage disposal systems shall be recorded, unless and until said map or plat has been first submitted to and approved by the county health officer or his duly authorized representative who shall examine same for compliance with the specifications and rules of the state and county boards of health, and if map or plat is in compliance, shall note his approval on such map or plat by noting thereon "approved", giving the date of such approval, any conditions or requirements upon which approval is contingent, and signing same in his official capacity. Approval by the county health officer or his duly authorized representative shall in no way constitute approval in lieu of or on behalf of any municipality or other county governing body with respect to subdivisions lying within their jurisdiction.

Section 2. Certificate of Approved Sanitation—Following the effective date of this act it shall be unlawful for any utility, company, board, commission, corporation, or individual, whether publicly, governmental or privately owned to provide new connections of permanent electrical services to any dwelling, building or other structure utilizing onsite sewage disposal system where people live, work or congregate or assemble unless and until a certificate of approved sanitation has been issued by the county health officer or his duly authorized representative.

(1) Temporary Service—Nothing in this section prohibits the connection of temporary service for limited purposes such as construction work prior to the final completion of the construction of the structure. A certificate of approved sanitation is required prior to the occupying of the structure on a permanent basis.

(2) All certificates of approved sanitation shall be on forms provided by the state or county health department identifying the structure served, location of said structure, method, size and location of sewage disposal, source and type of water supply, name of the applicant and signed by the county health officer or his duly authorized representative. Such certificates shall be evidence that a means of sewage disposal in compliance with applicable laws, rules and regulations has been provided for the structure or dwelling so identified. No person shall occupy any structure or dwelling, utilizing

onsite sewage disposal, prior to the issuance of a certificate of approved sanitation.

Section 3. Certificate of Competency—All persons, firms, or corporations engaging in the business of installing, repairing, cleaning, or maintaining onsite sewage disposal systems shall make written application for and obtain a license known as a certificate of competency to engage in said activities from the county board of health. It shall be unlawful for any persons, firms, or corporations to engage or to operate any equipment or machinery in the installation, repair, cleaning or maintenance of an onsite sewage disposal system unless the operation is under the supervision and management of a person with a valid license.

(1) Each applicant shall successfully pass an examination developed by the state board of health and administered by the county board of health, designed to demonstrate proficiency and knowledge of the design, installation, maintenance, and function of onsite wastewater disposal systems.

(2) Prior to the issuance of the certificate of competency by the county board of health and after making proper application and passing the appropriate examination as established by this act, each applicant shall provide proof of a surety bond signed by the applicant as principal and by a responsible company authorized to execute surety bonds within the State of Alabama. Such bond shall be in the principal amount of five thousand dollars (\$5,000.00). Such bond shall be made payable to the State of Alabama as obligee and shall be conditioned on the applicant and his continued compliance with this act and all rules promulgated hereunder, and shall be for the use and benefit of the ultimate consumer and shall not be cancelled during the period for which the certificate of competency is issued.

(3) The county board of health may suspend, revoke, or deny any certificate of competency if obtained through concealment, misstatement, or misrepresentation of any material fact in the application or for a violation of this act or any applicable rules and standards. Before a certificate of competency may be revoked, the holder thereof shall be served a notice in writing enumerating the charges against him and shall be entitled to a hearing in accordance with the rules of the state board of health. Any person whose certificate of competency has been revoked shall not be permitted to apply for a new certificate for one year from the date of revocation. After one year from date of revocation the person whose certificate of competency had been revoked may reapply for a certificate subject to all of the requirements of this act. Any person whose certificate of competency is revoked, suspended, or denied by the county board of health shall have the right to appeal as provided by law.

(4) The certificate of competency required by this act shall be valid for five years from the date of issue providing that an initial and annual renewal fee is paid to the county board of health and the surety bond in Section 3 (2) remains in force. The certificate of competency shall bear an identifying number, type of certification, name, address and telephone number of licensee, and date of issue.

(5) Nothing in this part shall prohibit an individual from installing, repairing, cleaning, or maintaining his own onsite sewage disposal system provided that a written permit is obtained from the county board of health prior to commencing any such activity.

Section 4. Onsite Sewage Disposal System Permits—If construction or installation of an onsite sewage disposal system and of any building or

structure for which such system is to be installed has not commenced within one year after the issuance of a permit for such system, the said permit shall expire, a new permit must be obtained prior to the commencement of said construction or installation.

Section 5. Licensing of Persons to Evaluate Sites for Onsite Sewage Disposal Systems—The state board of health authorized to adopt rules and standards providing for qualification, testing, licensing and relicensing of persons to evaluate sites for onsite sewage disposal systems and to establish fees for carrying out the provisions of this Section. All persons engaging in activities relating to the evaluation of sites for onsite sewage disposal systems shall make written application and obtain a license from the state board of health. A person holding a valid license under this part shall be known as a site evaluator.

(1) The state board of health shall charge applicants a fee for examination to become a licensed site evaluator. The state board of health shall charge an annual site evaluator fee for license renewal. A site evaluator who is employed by the state or county health department to administer this section is exempt from all fee requirements of this section.

(2) There is hereby created a special fund known as the onsite sewage disposal fund. All fees collected by the state board of health under authority of this act shall be paid into and maintained in such fund. All money in such fund are hereby appropriated to the state board of health to carry out the purposes of this act.

(3) The state board of health may suspend, revoke, or deny any site evaluator license if obtained through concealment, misstatement, or misrepresentation of any material fact in the application or for a violation of this act or any applicable rules and standards. The state board of health may refuse any applicant for testing and licensing who does not meet minimum rules and standards for qualification as established under provisions of this act. Before a site evaluator license may be revoked, the holder thereof shall be entitled to a hearing in accordance with the rules of the state board of health. Any person whose license has been revoked shall not be permitted to apply for a new certificate for one year from the date of revocation. After one year from date of revocation the person whose license had been revoked may reapply for a license subject to all of the requirements of this act. Any person whose application or license is revoked, suspended, or denied by the state board of health shall have the right to appeal as provided by law.

Section 6. Rules—The state board of health is hereby authorized and empowered to adopt and promulgate rules in accordance with the Alabama Administrative Procedure Act providing proper methods and details for administering the provisions of this act, which rules shall have the force and effect of law and shall be executed and enforced by the same courts, bodies, officials, agents and employees as in the case of the provisions of this act itself. The county board of health may adopt regulations which are more stringent or which are additional to those adopted by the state board of health.

Section 7. Civil Penalties—Any person, firm, corporation or other legal entity or officer, employee or agent thereof holding any certificate, license, permit hereunder, which or who shall violate any of the provisions of this act or any provision of the rules or order promulgated or issued hereunder, or who shall fail to obey, observe or comply with any order, directive, requirement or demand or any part or provision thereof, becomes liable to

the State of Alabama for the penal sum of not less than one hundred (100) nor more than one thousand (1,000) dollars for each separate offense. The continued existence, after notice, of any violation according to the terms of this section for each and every day beyond the time stipulated for compliance or beyond the day of notice of violation shall constitute a separate and distinct offense. All such penalties as provided in this section shall be recovered by the State of Alabama in a civil action brought in the name of the state and such penalties, when collected, shall be paid into the onsite sewage disposal fund.

Section 8. Criminal Penalties—Any person whether a permittee or not, who violates any of the provisions of the act or any provisions of the rules or orders promulgated or issued shall be guilty of a Class C misdemeanor and may upon conviction thereof, be punished according to law.

Section 9. Injunctions—Any person who violates any portion of this act, in addition to any other penalty by this act imposed, may be enjoined from any further violations by any Circuit Court of the State of Alabama at the suit of the county board of health or state board of health, or any person adversely affected by the violation. Venue for such civil action shall be proper in the county where the defendant or plaintiff resides or does business.

Section 10. Presumptions—The owner of record of property as recorded in the probate office or recordation office in the county in which the property is located is presumed to own, occupy, have built, use, maintain or otherwise be charged with the responsibility for the subject property.

(1) Receipt of Notice—Notice of violation is presumed received by the alleged violator when properly deposited in the United States Post Office with sufficient prepaid first class postage and properly addressed.

(2) Continuing violations—A violation is presumed to continue from the day of notice to the violator until notice by the violator to the state or county board of health that the violation has ceased or until trial of the cause.

Section 11. Severability—The provisions of this act are hereby declared to be severable. Should any section or provision of this act be held invalid or unenforceable by a court of competent jurisdiction, said holding shall not invalidate or render unenforceable the remaining sections or provisions hereof.

Section 12. Repealer—This act is specifically intended not to supercede Act 1127, 1969 Regular Session and Act 659, 1978 Regular Session but is intended to supplement said Acts and to be read in para materia therewith. If any conflict should arise between this act and Act 659, 1978 Regular Session such conflict is to be resolved in favor of Act 659, 1978 Regular Session. Act 776, 1978 Regular Session and Act 399, 1980 Regular Session are hereby repealed. This Act shall not affect Titles 22-22-1 through 22-22-14. Any other acts inconsistent herewith are hereby expressly repealed.

Section 13. Effective Date—This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO POSTPONE

Rep. Rains offered the motion to postpone consideration of the bill, H. 457 and the pending substitute to the nineteenth legislative day.

SUBSTITUTE MOTION OFFERED

Rep. Laird offered the substitute motion to temporarily postpone consideration of the bill, H. 457 and the pending substitute.

MOTION TO TABLE LOST

The motion offered by Rep. Johnson (Roy) to table the substitute motion offered by Rep. Laird, was lost.

Yeas 23; Nays 43.

Yeas:

Reps. Albright, Beasley, Biddle, Brakefield, Bryant, Buskey (John), Davis, Gray, Hammett, Holley, Holmes, Johnson (Roy), Mathis, Moore, Nicholson, Preuit, Rains, Rice, Rogers, Thomas, Trammell, Turner and White (F).

—23

Nays:

Reps. Adams, Blake, Blakeney, Box, Brooks, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Dutton, Escott, Fuller, Gaston, Goodwin, Grouby, Hall, Harper, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lindsey, McKee, McMillan, Mitchell, Newman, Onderdonk, Parker, Penry, Pratt, Richardson, Smith, Starkey, Venable, Warren, White (G) and White (L).

—43

SUBSTITUTE MOTION ADOPTED

The question was then on the substitute motion offered by Rep. Laird to temporarily postpone consideration of the bill, H. 457 and the pending substitute, and the substitute motion was adopted.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Tanner, Budget Isolation Resolution, H. B. 646, was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Crow, Davis, Flowers, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lindsey, McDowell, McKee, McMillan, Mathis, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuit, Rains, Rice, Richardson, Smith, Starkey, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—71

And the bill:

H. 646. (With Amendment): To provide for obtaining criminal record checks and background information through investigation of certain child

care facility applicants, operators, staff members, and employees as well as any member of an applicant's or operator's family; and to make appropriations out of the general fund to carry out the provisions of this act.

Was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 646 on page 2, by striking lines 8 through 12 and inserting in lieu thereof the following: Section 2. The Alabama Department of Public Safety shall cooperate with the Department of Pensions and Security, the Department of Mental Health, the Department of Youth Services, and the Alabama Criminal Justice Information Center in processing nationwide criminal record checks required by this Act.

Further amend the bill on page 2 by striking lines 18 through 21 and inserting in lieu thereof the following: Section 4. There is hereby appropriated and allocated to the Alabama Department of Public Safety \$500,000 for the 1985-86 state fiscal year and \$300,000 for each fiscal year thereafter out of the state General

Further amend on page 2 by striking line 28 and inserting in lieu thereof: Alabama Department of Public Safety shall reimburse the

And the amendment was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Crow, Davis, Faulk, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Jenkins, Kennedy, Kvalheim, Lindsey, McDowell, McKee, McMillan, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (G), White (L) and Zoghby.

—77

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Judiciary said committee amendment being as follows:

Amend House Bill 649, page 3, Section 4, line 25, after the word "appropriated" by striking ~~shall not revert to the general fund at the end of any state fiscal year but shall be encumbered and carried over into subsequent fiscal years.~~ and substituting in lieu thereof the following: and unspent at the end of any state fiscal year, shall revert to the general fund.

And the amendment was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Crow,

Davis, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lindsey, McDowell, McKee, McMillan, Marietta, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, White (G), White (L) and Zoghby.

—79

And the bill, H. 646, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McKee, McMillan, Marietta, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Smith, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—86

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Carter, the rules were suspended in order to take up the local bills on the Calendar.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Mathis, Budget Isolation Resolution, H. B. 880, was adopted.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harvey, Hettinger, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lindsey, McMillan, Marietta, Mathis, Mikell, Mitchell, Moore, Newman, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Smith, Starkey, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (G), White (L) and Zoghby.

—74

And the bill:

H. 880. Relating to Geneva County to amend Section 1 of Act 79-585, Acts of Alabama, page 1045; relating to the clerk hire allowances paid to

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the tax assessor and tax collector, so as to provide further for such allowances for the period of time from August 1, 1979 through July 31, 1982; and to provide retroactive effect for such period of time.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Albright, Bachus, Beasley, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Harvey, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lindsey, McDowell, McKee, McMillan, Marietta, Mathis, Mikell, Mitchell, Moore, Newman, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Smith, Starkey, Tanner, Thomas, Turner, Venable, Warren, White (G), White (L) and Zoghby.

—74

BUDGET ISOLATION RESOLUTION

On motion of Rep. Mathis, Budget Isolation Resolution, H. B. 881, was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coleman, Crow, Davis, Faulk, Flowers, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lindsey, McDowell, McMillan, Marietta, Mathis, Mikell, Mitchell, Moore, Newman, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Richardson, Rogers, Smith, Starkey, Tanner, Thomas, Turner, Venable, Warren, White (G), White (L) and Zoghby.

—72

Amend H. B. 881, page 2, Section 2, line 12, after the word "County" by striking ~~Commission~~ and inserting in lieu thereof the following:

Commission

And the bill:

H. 881. (With Amendment): Relating to Geneva County; providing for the mode of establishing the construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Geneva County, providing for an advisory referendum called for such purpose; and providing for an effective date.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 881, page 2, Section 2, line 12, after the word "County" by striking ~~Commission~~ and inserting in lieu thereof the following:

Commission

And the amendment was adopted.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lindsey, McDowell, McMillan, Marietta, Mathis, Mitchell, Moore, Newman, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Smith, Starkey, Tanner, Turner, Venable, Warren, White (G), White (L) and Zoghby.

—76

And the bill, H. 881, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lindsey, McMillan, Mathis, Mitchell, Moore, Newman, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Smith, Starkey, Tanner, Thomas, Turner, Venable, White (G), White (L) and Zoghby.

—77

BUDGET ISOLATION RESOLUTION

On motion of Rep. Mathis, Budget Isolation Resolution, H. B. 882, was adopted.

Yeas 69; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Biddle, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W),

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Coleman, Crow, Davis, Faulk, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Kennedy, Kvalheim, Laird, Lindsey, McMillan, Mathis, Mitchell, Moore, Newman, Parker, Penry, Perdue, Poole, Pratt, Rains, Rice, Richardson, Rogers, Smith, Starkey, Tanner, Turner, Warren, White (F), White (G) and White (L).

—69

Nay: Rep. Preuitt.

—1

And the bill:

H. 882. Relating to Geneva County; providing for election of the members of the county commission from districts to be defined by the present commission, as provided by law; providing for an advisory referendum by the qualified electors of Geneva County; providing for the members of the commission to reside within the district they represent throughout their terms.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Faulk, Flowers, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lindsey, McMillan, Mathis, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Smith, Starkey, Tanner, Thomas, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—78

BUDGET ISOLATION RESOLUTION

On motion of Rep. Mathis, Budget Isolation Resolution, H. B. 883, was adopted.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Biddle, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Carothers, Carter, Clark (D), Coleman, Crow, Davis, Faulk, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, McMillan, Mathis, Mikell, Mitchell, Moore, Newman, Parker, Penry, Perdue, Poole, Pratt, Preuitt,

Rains, Rice, Richardson, Rogers, Smith, Starkey, Tanner, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—70

And the bill:

H. 883. (With Amendment): Relating to Geneva County; to establish a civil service system for Geneva County; to provide a policy for the administration of this act; to divide positions in the county into classified and exempt services, and to provide for changes between such services; to provide a status for present employees; to provide personnel rules and personnel plans for Geneva County; to provide for the appointment of members of the personnel board; and to provide for their successors in office; to provide for the adoption, amendment and repeal of rules, regulations, determinations, job classification plans, pay plans, and mandatory and/or permissive retirement plans to effectuate the purposes of this act; to provide for the employment of persons with competitive examination; to provide for temporary appointments and the manner in which and the extent to which they shall be made permanent; to provide for the establishment of lists of persons eligible for employment and to establish the manner in which such lists shall be used; to establish a period of probation for certain county employees; to provide for rules governing working hours and leaves of absence; to provide for the laying off of employees; to establish the manner in which employees may be disciplined and to provide a procedure under which certain employees may protest such disciplinary action; to give the personnel board the authority to require the attendance of witnesses and the production of documents at such proceeding and to establish penalties for failure to attend or produce records as required to provide for an appeal from decisions of such board in such protests; to require such board to maintain certain records; to prohibit and fix the punishment for certain political activity by certain employees of the county; to provide for the expenses of such board; and to guarantee certain rights to the governing body of Geneva County.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 883, page 5, Section 2, line 15, after the word "specifically" by striking place and inserting in lieu thereof the following:

placed

Further amend H. B. 883, page 6, Section 4, line 30, after the comma by striking qualify and inserting in lieu thereof the following:

qualify

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Biddle, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coleman,

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Crow, Davis, Escott, Faulk, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, McMillan, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Smith, Starkey, Tanner, Turner, Venable, Warren, White (G), White (L) and Zoghby.

—73

And the bill, H. 883, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coleman, Crow, Davis, Escott, Faulk, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, McMillan, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Starkey, Tanner, Thomas, Turner, Venable, Warren, White (G), White (L) and Zoghby.

—76

BUDGET ISOLATION RESOLUTION

On motion of Rep. Bryant, Budget Isolation Resolution, H. B. 893, was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (W), Coleman, Crow, Davis, Faulk, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, McMillan, Mathis, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Rice, Richardson, Rogers, Smith, Starkey, Tanner, Thomas, Turner, Venable, Warren, White (G), White (L) and Zoghby.

—71

And the bill:

H. 893. Relating to Perry County; creating a districting commission to establish district lines for the Perry County Commission and Perry County board of education; providing for the appointment of the members of the districting commission; providing for the number of districts; providing for the composition of the Perry County board of education and Perry County Commission; and providing for election of members of the board of education and county commission from single-member districts.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Escott, Faulk, Flowers, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lindsey, McMillan, Mathis, Mitchell, Moore, Newman, Parker, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Smith, Starkey, Tanner, Thomas, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—73

BUDGET ISOLATION RESOLUTION

On motion of Rep. Carter, Budget Isolation Resolution, H. B. 897, was adopted.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Faulk, Flowers, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, McMillan, Mathis, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Smith, Starkey, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—74

And the bill:

H. 897. (With Amendment): Relating to Limestone County; levying an additional ad valorem tax in the county to be used for general county purposes and providing for a referendum on such additional taxes.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 897, page 1, Section 1, line 26, after the word "from" by striking ~~three-eighths~~ and inserting in lieu thereof the following:

three-eighths

And the amendment was adopted.

Yeas 40; Nays 0.

Yeas:

Reps. Biddle, Blake, Box, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Carothers, Clark (D), Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Johnson (Roy), Junkins, Kennedy,

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Kvalheim, Mathis, Mitchell, Newman, Onderdonk, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Starkey, Venable, Warren, White (G), White (L) and Zoghby.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 897, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Dutton, Faulk, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, McDowell, McMillan, Mathis, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Smith, Starkey, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—81

MOTION TO ADJOURN ADOPTED

The motion offered by Rep. Carothers that when the House adjourns today, it adjourns to meet again at 12:00 o'clock noon, Tuesday, April 16, 1985, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Hilliard (With Notice and Proof):

S. 454. Relating to Class 1 municipalities; exempting certain public area transportation authorities from the payment of all oil, gasoline and diesel fuel taxes of any nature whatsoever.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 454, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 454 Ways and Means.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:10 A. M. on April 11, 1985.

H. 152

H. 153

H. 154

H. 156

H. 158

H. 159

H. 164

Delivered to the Governor at 12:45 P. M. on April 11, 1985.

H. 187

H. 233

H. 235

H. 439

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Rice and pursuant to the motion previously adopted, the House adjourned until 12:00 o'clock noon, Tuesday, April 16, 1985.

Yeas 51; Nays 33.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Black, Boles, Bowling, Britnell, Browder, Bryant, Bugg, Burke, Buskey (James), Carter, Clark (D), Clark (W), Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Hall, Hammett, Harvey, Johnson (Roy), Kennedy, Kvalheim, Lindsey, McDowell, McKee, Mathis, Melton, Mikell, Mitchell, Newman, Perdue, Pratt, Preuitt, Reed, Rice, Starkey, Trammell, Turner and Venable.

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Nays:

Reps. Biddle, Blake, Blakeney, Box, Brooks, Butler, Carothers, Clark (J), Coleman, Harper, Hettinger, Holley, Holmes, Hooper, Johnson (Roy), Junkins, Laird, Lauderdale, McMillan, Moore, Nicholson, Onderdonk, Parker, Penry, Poole, Richardson, Smith, Tanner, Turnham, Warren, White (F), White (L) and Zoghby.

—33

